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REGULATION I. A. D. 1817.

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A REGULATION *for annexing to the Zillahs of Kaira and Surat, the Purgunnahs, Tuppa and Villages in Guzerat formerly composing part of the territories of His Highness the Guicowar, and ceded to the Honorable East India Company in exchange for the Purgunnah of Beejapoor.*—PASSED *by the Right Honorable the Governor in Council, on the 23d April* 1817, *corresponding with the 7th Vaisack Sood Sumbut or Vekramajet Era* 1873; *Salbahan* 1739; *and 5th Jumadeeool Akhir* 1232 *of the Hejree.*

Preamble.

WHEREAS the Purgunnah of Cupperwunge, Tuppa of Bahlej, Villages of Sundana, Antrooly, Vasne, and Kurnej, north of the River Myhie, and the Purgunnah of Currode, south of the River Tapee have been ceded to the Honorable the East India Company in full sovereignty by His Highness the Guicowar, in exchange for the Purgunnah of Beejapoor, north of the Myhee, and whereas it has been judged advisable to annex such part of the cession which is situated north of the River Myhie to the Zillah of Kaira, and such part thereof as is situated to the south of the River Tapee to the Zillah of Surat, the following rules have been enacted.

The Purgunnah of Cupperwunge, Tuppa of Bhalej and villages of Sundana, Antrooly Vasne & Kurney annexed to Kaira and the Purgunnah of Currode to Surat & the laws and Regulations extended to them.

II. The Purgunnah of Cupperwunge, Tuppa of Bahlej, and Villages of Sundana, Antrooly, Vasne and Kurney, situated north of the River Myhee, shall be annexed to the Zillah of Kaira, and the Purgunnah of Currode, situated south of the River Tapee shall be annexed to the Zillah of Surat, and the laws and regulations established for the internal administration of those Zillahs are hereby declared to be in full force and effect in the aforementioned cession from the 5th of June 1816, being the date from which the authority of the British Government has effect in those territories.

Civil Courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 5th June 1804.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the aforementioned cession, the cause of action in which may have originated previously to the 5th day of June 1804 being a period of twelve years antecedent to the said cession.

The operation of Regulation III. 1814 limited to 5th June 1816.

IV. The operation of Regulation III. A. D. 1814 is limited to the 5th of June 1816.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 5th June 1816.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the 5th day of June 1816, the date of cession.

A. D. 1817. REGULATION II.

A REGULATION *for amending Regulation* XIII. *of* 1815. —PASSED *by the Right Honorable the Governor in Council, on the 23d of July* 1817, *corresponding with the* 10*th First Shravan Sood Sumbut or Vikramajet Era* 1873; *Salbahan* 1739; *and the 8th Ramzan* 1232, *Hijree.*

WHEREAS it has become necessary to explain and to modify some of the provisions of Regulation XIII. of 1815, the following enactment has been passed.

Articles the produce of the United Kingdom exempt from duties.

II. The following are the Articles which under Section III. Regulation XIII. of 1815, are to be exempt from duties, being the produce or manufacture of the United Kingdom, if imported in British Register ships, or Indian built ships trading under the provisions of the Act 55. Geo. 3 Cap. 116. vizt. Copper, Iron, Steel, Lead, and all other Metals in an unmanufactured or manufactured state, including Cutlery, Table and Kitchen utensils, Trinkets composed wholly or chiefly of Metals, Locks, Bolts and Hinges, Scales and Weights, Clocks, Watches and Timekeepers, Nails of Iron and Copper, Hatchets, Hammers, Saws and Ironmongery of all sorts, sheet Copper and sheet Iron, Wire of Iron, Brass, Steel, Silver or Gold, Lead in sheets, cast or rolled, Copper Pumps, Mathematical Instruments, Fire Engines, Tin Ware, Shot for fowling,

ling, Bellows, Braziery; and generally all others coming under the description of wrought or unwrought Metals.

Section V. Clause First and Second of Regulation XIII. 1815, rescinded.

III. Section V. Clause First and Second, Regulation XIII. of 1815, are rescinded.

2½ per Cent duty to be levied on the articles the produce of the United Kingdom.

IV. *First.*—All Articles the produce or manufacture of the United Kingdom, not specified in Section II. (with the exception hereafter stated) on importation at the Port of Bombay, or at Subordinates, shall be charged with a duty of (2½) two and a half per Cent, to be adjusted according to the provisions established by Regulation VI. of 1799, or any other Regulation in force, being a reduction of 1 per Cent from the duties payable prior to the promulgation of Regulation XIII. 1815.

And 3½ on those of Foreign Europe.

Second.—All Articles the produce or manufacture of Foreign Europe, (with the exception of Wines and Spirits) on importation at the Port of Bombay, or at Subordinates, on British Register ships, or Indian built ships trading under the provisions of the Act 55 Geo. III. Cap. 116, and other subsequent Acts, shall be reduced from (5) five to (3½) three and a half per Cent, being the rate of duty levied prior to the promulgation of Regulation XIII. 1815.

Part of Section VII. exempting Goods that have paid duties at any British port, extended to all Goods whether European or other.

V. The provisions of Section VII. as to Goods that shall have paid the established duties at any Port subject to the Company's Government in India not being liable to farther duties on their transit from Port to Port within the said Territories, are hereby extended to all Goods, whether European or other, on the production of the prescribed Certificate, and provided such Goods be imported according to the provisions of the Act of Parliament regulating the direct and circuitous trade between the United Kingdom and India.

The drawback on Indigo allowed on the produce of British India generally.

VI. The drawback provided for in Section VIII. Clause First, Regulation XIII. 1815, shall be allowed on Indigo, the produce

and

and manufacture, not only of the Territories immediately dependent on the Presidency of Bombay, but also of British India generally.

And extended to all Goods the produce of Asia.

VII. The drawback provided for in Section X. Regulation XIII. of 1815, is hereby declared to extend to all Goods, the produce or manufacture of any Foreign Settlement in Asia, imported into Bombay or Subordinates, and afterwards exported to the United Kingdom.

Part of Section XII. annulled.

VIII. The concluding sentence of Section XII.; viz. "or any established system which may not have yet been promulgated in a Regulation," is hereby annulled.

Regulation to have effect from 1. of August 1817.

IX. This Regulation to have effect from the 1st of August 1817.

A Tariff of the Duties on the Trade between the United Kingdom and India, payable at Bombay on the Prime cost attested upon oath, and of the Drawbacks allowed on each Article of Commerce, under this Regulation.

IMPORTS.

	Duties.
Anchors and Grapnels, ...	Free.
Articles for Wearing Apparel, not of Woollen manufacture,	2½ per Cent.
Beads, ...	do. do.
Beer, ...	do. do.
Bellows, ...	Free.
Bird Shot, ...	do.
Blacking and Brushes, ...	2½ per Cent.
Brass Leaf and Orsidue, ...	3½ Do.
Brass work and Ware, ...	Free.
Broad Cloth, ...	do.

Braziery,

A. D. 1817. REGULATION II.

IMPORTS,—*Continued.*	*Duties.*
Braziery,	Free.
Busts and Figure Heads,	2½ per Cent.
Camblets,	Free.
Canes and Rattans,	2½ per Cent.
Canvas,	Free.
Carriages and Conveyances,	2½ per Cent.
Carpets, of Woollen manufacture,	Free.
Chalk,	2½ per Cent.
Clocks, Watches, and Timekeepers,	Free.
Coals,	2½ per Cent.
Cochineal,	3½ Do.
Coffin furniture,	Free.
Confectionary and Sweetmeats,	2½ per Cent.
Copper of every description,	Free.
Copper Pumps,	do.
Coral,	3½ per Cent.
Cordage,	Free.
Corks,	2½ per Cent
Cotton Screws, Iron,	Free.
Cotton Yarn and Thread,	2½ per Cent.
Crystal ware,	do. do.
Cutlery and Hardware,	Free.
Cyder and Perry,	2½ per Cent.
Earthen ware,	do. do.
Eatables,	do. do.
Empty Bottles,	do. do.
Engravings, British,	do. do.
Filtering Stones, do.	do. do.
Flint Stones,	do. do.

Fire

A. D. 1817. REGULATION II.

IMPORTS,—*Continued.*	*Duties.*
Fire and Garden Engines,	Free.
Furniture, Household,	2½ per Cent.
Glass and Glass ware of every description,	do. do.
Gold and Silver Lace,	Free.
Gold leaf,	do.
Guns and Pistols,	do.
Gunpowder,	2½ per Cent.
Hammers, Hatchets, and Saws,	Free.
Horse Hair,	2½ per Cent.
Jewellery,	Free
Iron of every description, British,	do.
Iron, Swedish or Foreign,	3½ per Cent.
Iron Butts, Hoops, Rivets and Sheet,	Free.
Iron Cables,	do.
Iron Chains,	do.
Iron Chests,	do.
Iron Kentledge,	do.
Iron Knees,	do.
Ironmongery, and Iron work of every description,	do.
Iron, Plate, or Wrought,	do.
Kitchen Utensils,	do.
Lace, British,	2½ per Cent.
Lace, Foreign,	3½ do.
Lacquered ware, not metal,	2½ per Cent.
Lanthorns,	Free.
Lead in Sheets, cast or rolled,	do.
Leather of sorts,	2½ per Cent.
Lines and Twine,	Free.
Locks, Bolts and Hinges,	do.

Mahogany

A. D. 1817 REGULATION II.

IMPORTS,—*Continued.*	*Duties.*
Mahogany Plank,	3½ per Cent.
Mangles, or Hackles of Iron,	Free.
Marble Slabs and Tiles, British	2½ per Cent.
Masts, Spars and Oars, do.	Free.
Mathematical Instruments,	do.
Medicines,	2½ per Cent.
Musical Instruments,	do.
Nails of Iron or Copper,	Free.
Oils, British,	2½ per Cent.
Oils, foreign,	3½ do.
Ochre,	2½ do.
Opium,	3½ per Cent.
Paint and Paint Brushes,	2½ do.
Perfumery,	do. do.
Piece Goods,	do. do.
Pictures, British,	do. do.
Pimento,	3½ do.
Pitch and Tar, foreign,	do. do.
Pitch, British,	Free.
Plate and Plated ware,	do.
Printed Cotton and Calicoes,	2½ per Cent.
Quick Silver,	3½ do. do.
Red and White Lead,	2½ do. do.
Saddlery,	do. do.
Saffron,	3½ do. do.
Seeds of sorts,	2½ do. do.
Shawls, woollen manufacture,	Free.
Ship Chandlery,	do.
Soda water,	2½ per Cent.

Spirit

A. D. 1817. REGULATION II.

IMPORTS,—*Continued.*	*Duties.*
Spirit of Turpentine,	2½ per Cent.
Stationary and Books,	do. do.
Steel, British,	Free.
Steel, Swedish or Foreign,	3½ per Cent.
Tallow British,	2½ do. do.
Timber and Plank,	3½ do. do.
Tin,	Free.
Tin Plates and Tin ware of every description,	do.
Tobacco and Snuff, British manufacture,	2½ per Cent.
Tobacco Pipes, .. do.	do. do.
Toys of Iron or Tin,	Free.
Types,	do.
Trinkets composed wholly or chiefly of metals,	do.
Turpentine,	3½ per Cent.
Vegetable Syrup,	2½ do.
Verdigrise,	do. do.
Vinegar,	do. do.
Weights and Scales,	Free.
Wire of Iron, Brass, Steel, Silver and Gold,	do.
Wines and Spirits,	3½ per Cent.

———ditto———subject also to the following Duties of Excise under the provisions contained in Regulation I. of 1813 and XI. of 1815, vizt.

	Excise duty	*Drawback on Re-exportation*
On all Wines imported for consumption into the Island of Bombay,	Rs. 12 per Pipe of 120 Gallons,	In full.
Wines of every description in bottle, per dozen Quarts,	Half a Rupee,	
Cordials, ditto Pints	—Six Rupees.	
On all Brandies, Rum, Gin, and other description of Spirituous Liquors imported as above	Half a Rupee per Gallon.	One Quarter of a Rupee per Gallon if exported before two months after the date of importation.

EXPORTS.

EXPORTS.

	Duties.		*Drawbacks.*	
Alkali,	$3\frac{1}{2}$ per Cent.		1 per Cent.	
Aloes,	do.	do.	do.	do.
Arsenic,	do.	do.	do.	do.
Assafœtida,	do.	do.	do.	do.
Barilla,	do.	do.	do.	do.
Brazil wood,	do.	do.	do.	do.
Benjamin,	do.	do.	do.	do.
Buffaloes' Horns,	do.	do.	do.	do.
Camphire,	do.	do.	do.	do.
Canes and Rattans,	do.	do.	do.	do.
Cardamoms,	do.	do.	do.	do.
Cinnamon, Cassia, and Cassia Buds,	do.	do.	do.	do.
Copal,	do.	do.	do.	do.
Cloves,	do.	do.	do.	do.
Coffee,	do.	do.	do.	do.
Cornelians,	do.	do.	do.	do.
Cotton, from Guzerat on a fixed Valuation of Rupees 120 per Surat Candy,	Inland and Sea Customs not to exceed 5 per Cent on these rates.		In full.	
Cotton, from Cutch and Scind Rs. 105 per Do.				
Cotton, from Malabar and Canara Rupees 105 per Ditto,				
Cocolus Indicus,	$3\frac{1}{2}$ per Cent.		1 per Cent.	
Eatables,	do.	do.	do.	do.
Ebony Wood,	do.	do.	do.	do.
Elephants' Teeth,	do.	do.	do.	do
Fans,	do.	do.	do.	do
Galls,	do.	do.	do.	do.
Gum-Boge,	do.	do.	do.	do.
Ginger,	do.	do.	do.	do.

Galangall,

A. D. 1817. REGULATION II.

EXPORTS,—*Continued.*	*Duties.*		*Drawbacks.*	
Galangall,	3½ per Cent.		1 per Cent.	
Gums and Drugs,	do.	do.	do.	do.
Hemp and Sunn,	do.	do.	In full.	
Indigo, British Territories,	do.	do.	do.	do.
Indigo, Native States,	do.	do.	do.	do.
Jewellery,	Free.			
Lac of sorts,	3½ per Cent.		1 per Cent.	
Mace,	do.	do.	do.	do.
Mother of Pearl Shells,	do.	do.	do.	do.
Madder,	do.	do.	do.	do.
Musk,	do.	do.	do.	do.
Myrrh,	do.	do.	do.	do.
Nankeens,	do.	do.	do.	do.
Nutmegs,	do.	do.	do.	do.
Oils of Sorts,	do.	do.	do.	do.
Olibanum,	do.	do.	do.	do.
Pearls and precious Stones,	Free.			
Pepper,	3½ per Cent.		1 per Cent.	
Piece Goods,	do.	do.	do.	do.
Raw Silk,	do.	do.	do.	do.
Rhubarb,	do.	do.	do.	do.
Rose water,	do.	do.	do.	do.
Sago,	do.	do.	do.	do.
Sandal wood,	do.	do.	do.	do.
Salt Petre,	do.	do.	do.	do.
Seeds of sorts,	do.	do.	do.	do.
Sea Cow, and Sea Horse Teeth,	do.	do.	do.	do.
Senna,	do.	do.	do.	do.
Shawls,	do.	do.	do.	do.

Sugar,

EXPORTS,—*Continued.*	*Duties.*	*Drawbacks.*
Sugar,	3½ per Cent.	1 per Cent.
Timber and Plank,	do.	do.	do.	do.
Tin,	do.	do.	do.	do.
Tortoise shell,	do.	do.	do.	do.
Turmeric,	do.	do.	do.	do.
Wax,	do.	do.	do.	do.
Wines and Spirits,	3½ per Cent.	

The following Articles subject also to Town duty under the provisions contained in Regulation I. of 1803, and I. of 1810.

Cotton, per Surat Candy,	One Rupee,	In full.
Oil (except that in use for culinary purposes)		
Shawls, Sugar, Piece Goods, China Silks, Nankeens, Rose water, Sandal wood, Salt Petre, Black Pepper, Cardamums, Mace, Cloves, Nutmegs, Cinnamon and Cassia,	4 per Cent.	In full.

ERRATA. In Section XI. Regulation XIII. of 1815, for "Clause "VIII Section III Regulation VI of 1799 Clause V. Regulation I of "1803, and Clause X Regulation I of 1805;" read, Section VIII. Clause III Regulation VI. of 1799; Section V Regulation I. of 1803; and Section X. Regulation I. of 1805.

FINIS

A. D. 1817. REGULATION III.

A REGULATION *to explain and amend Regulation* IX. 1815, *made by the Right Honorable the Governor in Council on the* 6*th of September* 1815, *respecting a certain tax on houses on the Island of Bombay situated beyond the limits of the Town, and on the Island of Coolaba; which tax was imposed by the Order and under the Authority of the Right Honorable the Governor in Council on the* 20*th January* 1813, *and confirmed by the Statute of the* 54 *Geo.* III. C. 105.—PASSED *by the Governor in Council, on the* 30*th July* 1817, *corresponding with the* 2*d First Shravan Vud, Sumbut or Vikramajet Era* 1873; *Salbahan* 1739; *and the* 15*th Ramzan,* 1232 *Hijree.*

WHEREAS by a Statute passed in the 54th year of His present Majesty King George the Third, entitled " An act to remove doubts as to the duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.", it is enacted, that all duties, customs, and other taxes heretofore made or imposed, as well upon British subjects, as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever resident or being therein, and in respect to all goods, wares, merchandizes, commodities and property whatsoever

whatsoever also being therein, and also upon all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising, or recovering any such duties of customs or other taxes, or in any way relating thereto, and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council for the non payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be, and the same are thereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an act made in the last session of Parliament, intituled "An act for continuing in the East India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's charter.", any act or acts of Parliament or law to the contrary thereof in any wise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations in relation to any such duties and taxes shall and may be sued for, recovered and enforced under the provisions of the said recited act, as fully and effectually as if the same had been

imposed,

imposed, made, incurred or arisen after the passing thereof: And WHEREAS by the said recited act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties and forfeitures for the non-payment of the same, or for the breach of such laws and regulations: And WHEREAS a tax of five per cent on the annual rent of all dwelling houses on the Islands of Bombay and Coolaba, situated beyond the limits of the Town of Bombay, was imposed by the orders and under the authority of the said Governor in Council on the twentieth of January 1813: And WHEREAS it is necessary to explain and amend Regulation IX. 1815, for the collection of the tax aforesaid: the following Regulation is accordingly made by the Right Hon'ble the Governor in Council, and from and after the publication of this Regulation, the aforesaid tax shall be assessed, levied and paid according to the rules and provisions herein prescribed, any thing in any former Regulation to the contrary in any wise notwithstanding.

Tax by whom to be collected.

II. The tax shall be collected annually by the Collector of Bombay.

An Assessor to be appointed by Government.

III. An Assessor shall be appointed by the Governor in Council, who shall make an assessment on dwelling houses of every description on the Island of Bombay beyond the limits of the Town of Bombay, and on the Island of Colaba, save and except those hereafter excepted by this Regulation, the annual rent or value of which shall be estimated by the said Assessor at twenty rupees and upwards, at the rate of five per cent on such annual rent or value; and where two or more houses, the annual rent or value of each or either of which shall be estimated by the said Assessor below twenty (20) rupees, shall belong to the same owner, the said assessment shall be made at the rate above stated on the aggre-

Rate of assessment.

gate

gate annual rent or value of such houses, provided the said aggregate annual rent or value shall amount to twenty rupees and upwards.

Religious edifices exempted from the tax.

IV. All religious edifices are hereby declared to be exempt from the payment of the said tax.

Temporary dwellings occupied by the military within the limits of cantonments exempted.

V. All temporary houses, bungalows or other temporary buildings, situated within the limits of military cantonments, and occupied by European and Native Officers, or by the Soldiers and Sepoys of His Majesty's and the Company's Army, shall be exempted from the payment of the said tax.

Houses unoccupied for three months & upwards allowed a proportional abatement.

VI. Owners of houses which shall be unoccupied or uninhabited for three successive months or upwards in any year shall on proof of the same to the Assessor, be allowed a proportional abatement of the assessment on the said houses for the said year: such abatement to be refunded at the end of the year, or carried to the credit of the following year's assessment on the said houses, at the option of the owner.

Native receivers to collect the tax to be appointed on giving security.

VII. The Collector of Bombay shall appoint a native Receiver or Receivers to collect the tax annually according to the assessment; and no person shall be capable of holding the said office of Receiver till he shall have given such security for the due performance of his office as the said Collector shall require.

Oath to be administered to the Assessor & Receivers.

VIII. *First.*—The Assessor and Receivers of the said tax, previously to entering upon the execution of their several duties, shall respectively take and subscribe the following oath.

"I A. B. appointed to assess (*or collect*) the house tax for the Island of Bombay beyond the limits of the town, and for the Island of Coolaba, do swear, that I will assess (*or collect*) the tax on the houses of the said islands beyond the limits of the said town fairly and impartially according to the rules pre-

scribed

scribed in this Regulation, and that I will make a true return of the same (*pay over and render a true account of the same*) to the Collector of Bombay.

Declaration to be made by the Receivers, if exempted by rank or caste from taking an Oath.

Second.—If any person appointed to be a Receiver should be of a rank or caste to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

IX. The Assessor shall annually make and return to the Collector of Bombay a new assessment on all the houses of the Islands of Bombay and Coolaba, situated beyond the limits of the Town and not excepted by this Regulation, as early as practicable in each year; and public notice shall be given immediately after the assessment is made and returned as aforesaid, that the Assessor's books are open to public inspection, for the period of one month from the publication of the said notice, at the office of the Collector of Bombay.

Appeal to lie to the Court of Petty Sessions.

X. Any person who may be dissatisfied with the assessment made on his house or houses by the Assessor, shall be at liberty to appeal to the Court of Petty Sessions; which Court is hereby authorized and required to confirm or reduce the said assessment in such manner as to them may appear to be equitable and just, and to certify the same to the Collector of Bombay, who is to recover the amount, so confirmed or reduced, accordingly.

Appeals to be made by Petitions.

XI. All appeals to the Court of Petty Sessions must be made by petitions in writing during the month in which the Assessor's books lie open for public inspection at the Collector's Office as aforesaid, and no further time shall be allowed for the presenting or receiving such appeal.

Time for presenting them specified.

The Collector authorized to levy the tax by distress in case of non payment.

XII. The tax shall be collected by the native Receivers; and

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the said Receivers shall furnish the owner of the house or houses so assessed with a receipt for the amount of the said assessment, signed by the Collector of Bombay; and in case of non-payment of the said assessment or any arrears thereof within eight days after demand of the same, the Collector of Bombay is hereby authorized and required to levy the same by warrant under his hand and seal by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expences of distress and sale, shall be rendered to the owner.

Overplus of the sale of effects to be rendered to the owner.

The tax to be exclusively appropriated to the repairs of the roads &c.

XIII. This tax shall be exclusively appropriated to the purposes of watching, repairing and cleaning the streets of the Towns or Villages situated beyond the limits of the Town of Bombay; for the construction of drains; and for rendering the habitations of the Natives in other respects healthy and comfortable. The plans and estimates of the improvements which may be necessary for these purposes, being in the first instance prepared under the superintendence of the Court of Petty Sessions, and submitted to the consideration and approval of the Governor in Council.

Plans and Estimates to be prepared by the Court of Petty Sessions and submitted to Government.

XIV. *First.*—The following form of the warrant is to be observed in levying the tax by distress.

Form of Distress Warrant.

" Whereas, in and by an assessment, made and assessed according to the Regulations in that case made and provided, on the owners of houses and buildings on the Island of Bombay situated beyond the limits of the Town of Bombay, and on the Island of Coolaba, Owner of house situate at beyond the limits of the said Town, was duly rated and assessed for this present year, in the sum of rupees being one twentieth part of the annual rent or value of the said house which he is the Owner of, as aforesaid; And whereas it duly appeareth, that the said sum of rupees has been lawfully demanded of the

said

said by the space of eight days past and upwards, and that the said hath refused, and doth refuse to pay the same; These are therefore to require you forthwith to make distress of the goods and chattels of him the said And if within the space of eight days next after such distress by you taken, the said sum together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you detain the said sum of rupees and also your reasonable charges of taking, keeping and selling the said distress; rendering to him, the said , the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal this Day of in the year of our Lord 18

Collector of Assessment beyond
the Limits of the Town."

Second.—The following certificate is to be affixed to the back of the warrant. Certificate to be affixed to the warrant.

"This is to certify that the sum of rupees , being the twentieth part of the annual rent or value of the house situate at beyond the limits of the Town, hath been demanded of the within named by the space of eight days and upwards, and that he hath refused and doth refuse to pay the same, wherefore this warrant is issued to levy the amount."

Bombay Collector's Office
18

Collector of Assessment beyond
the Limits of the Town."

Third

Instruction for the Native Receiver to be also affixed.

Third.—The following Instruction is to be also affixed to the warrant and addressed to the native Receiver who is to execute it.

"You will proceed in execution of this warrant against and should the party on your pro-
"ceeding to execution tender payment of the amount due by
"him as above specified, you will receive the same and return
"this warrant to me without further proceedings.

"Given under my hand and seal this day of One
"thousand eight hundred and

(*Signed*) A. B.
Collector of Assessment beyond
the Limits of the Town."

Form of notice of the assessment having been made, and of the Assessor's books being open for inspection.

XV. The following is the form of the notice to be published of the assessment having been made, and of the return thereof being open for one month for public inspection at the office of the Collector of Bombay.

NOTICE IS HEREBY GIVEN,

That the Assessor's book for the Island of Bombay beyond the limits of the Town and for the Island of Coolaba, containing the assessment on houses made and assessed according to Regalation , now lies open at the Bombay Collector's office, and may be inspected from the of to the of by all persons concerned every day (Sundays excepted) during the usual hours of business.

And notice is hereby further given, that no appeals against the said assessment will be received after the said of next; on or before which day a written statement of every appellant's case must be forwarded to the Court of Petty Sessions: in failure whereof, the assessment will be enforced

enforced according to the provisions of the Regulation aforesaid.

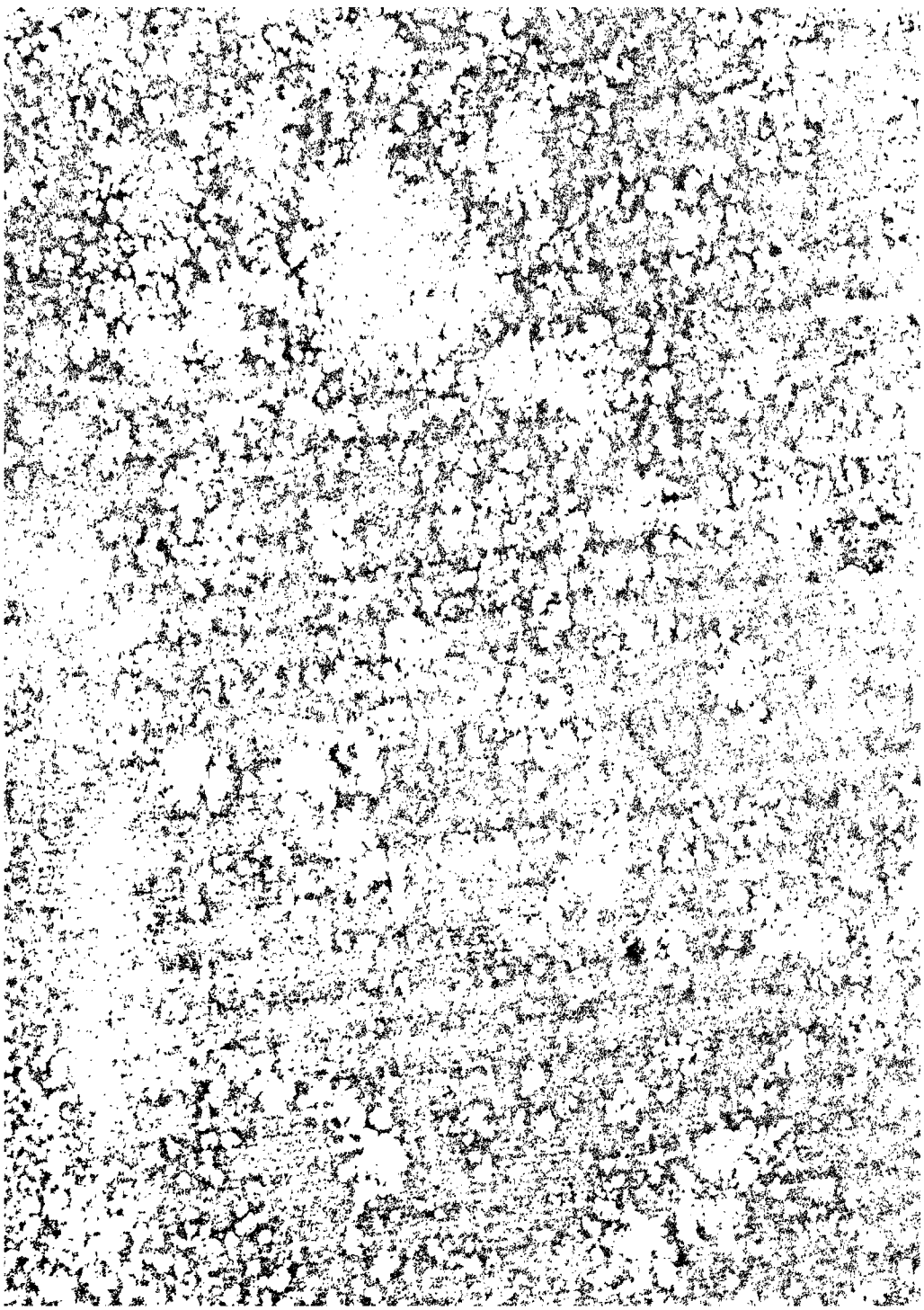
BOMBAY

Collector's Office,

of 18

A new assessment in the years 1816 and 1817 to be made.

XVI. And WHEREAS the assessment for the years 1816 and 1817 has been irregularly made, and requires to be reviewed and corrected, it is hereby enacted that the Assessor shall forthwith make a new assessment for the said years, according to the rules prescribed in this Regulation; and as soon as the said assessment shall have been made, and returned to the office of the Collector of Bombay, notice shall be given, and published according to the form prescribed in this Regulation, that the said books are and will continue open for public inspection for the space of one calendar month from the publication of the said notice; during which time all persons complaining of the said assessment shall be at liberty to appeal to the Court of Petty Sessions as already provided for: and all sums of money hitherto received by the Collector of Bombay on account of the said tax shall either be refunded by the said Collector to the persons who have respectively paid the same, or carried to the credit of the said respective parties for the said assessment so reviewed and corrected according to the provisions of the present Regulation.



A. D. 1817. REGULATION IV.

A REGULATION *for authorising the levy of certain fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India*; *and* PASSED *by the Governor in Council, on the 6th day of August* 1817, *corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era* 1873; *Salbahan* 1739; *and the 22d Ramzan,* 1232 *Hijree.*

Preamble.

WHEREAS it has been deemed expedient for the better support of the present system of Police, and for the discouraging of frivolous complaints, that certain fees or duties shall be levied in the Court of Petty Sessions, and in the offices of Magistrates of Police; be it therefore ordained, by the authority of the Right Honorable the Governor in Council with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, that there shall be assessed, raised, levied and paid, the fees or duties contained in the following schedule, that is to say—

Rate of Fees to be paid in the offices of the Magistrates of Police and Court of Petty Sessions.

	Rs.	qr.	rs.
II. For every complaint instituted, when filed in the offices of the Magistrates of Police, ...	0	2	00
For every complaint instituted, when filed in the Court of Petty Sessions, ...	1	0	00
For summoning each party to answer before the Magistrates, ...	0	1	00
For summoning each party to answer before the Court of Petty Sessions, ...	0	2	00
For summoning each witness to attend in the office of the Magistrates; and for each person sworn, if the fee for summoning has not been paid, ...	0	0	50
For summoning in the Court of Petty Sessions; and for each person sworn, if the fee for summoning has not been paid, ...	0	1	00
For every recognizance for keeping the peace, ..	2	2	00
For every reference of any subject in dispute to a Cazee, Muckadum of a cast, or other person or persons, ...	1	0	00
For every confirmation, or decision on the report given on such cases, ...	0	2	00
For every arbitration bond executed in the English or country languages, ...	2	2	00
For every voluntary affidavit, ...	1	0	00
For granting each certificate to the Commanders of ships on their arrival at, and departure from the Port of Bombay, payable on the delivery of the role d'equipage of their vessels, ...	5	0	00
For every commission to a Patel, Mukadum, or Choglas of a cast, ...	1	0	00
For every passport, issued by the senior Magistrate to Europeans, ...	2	0	00

On what occasions the fees may be dispensed with.

III. Where the parties are unable to pay the expence of entering

tering a complaint, or the charge of a summons, or other fee mentioned in the said table, the same shall not be levied; the Magistrate signing in the complaint book, to be kept in the office, an entry containing the reason of such remission.

To be received by the Clerk to the Court of Petty Sessions or other persons to be appointed by him.

IV. The Clerk of the Petty Sessions for the time being, shall receive the whole fees abovementioned; and is hereby authorized and empowered himself to receive them; or to appoint, at each office of Police, some proper person, who shall receive the sums levied under this Regulation, and who shall be accountable to him for all such sums.

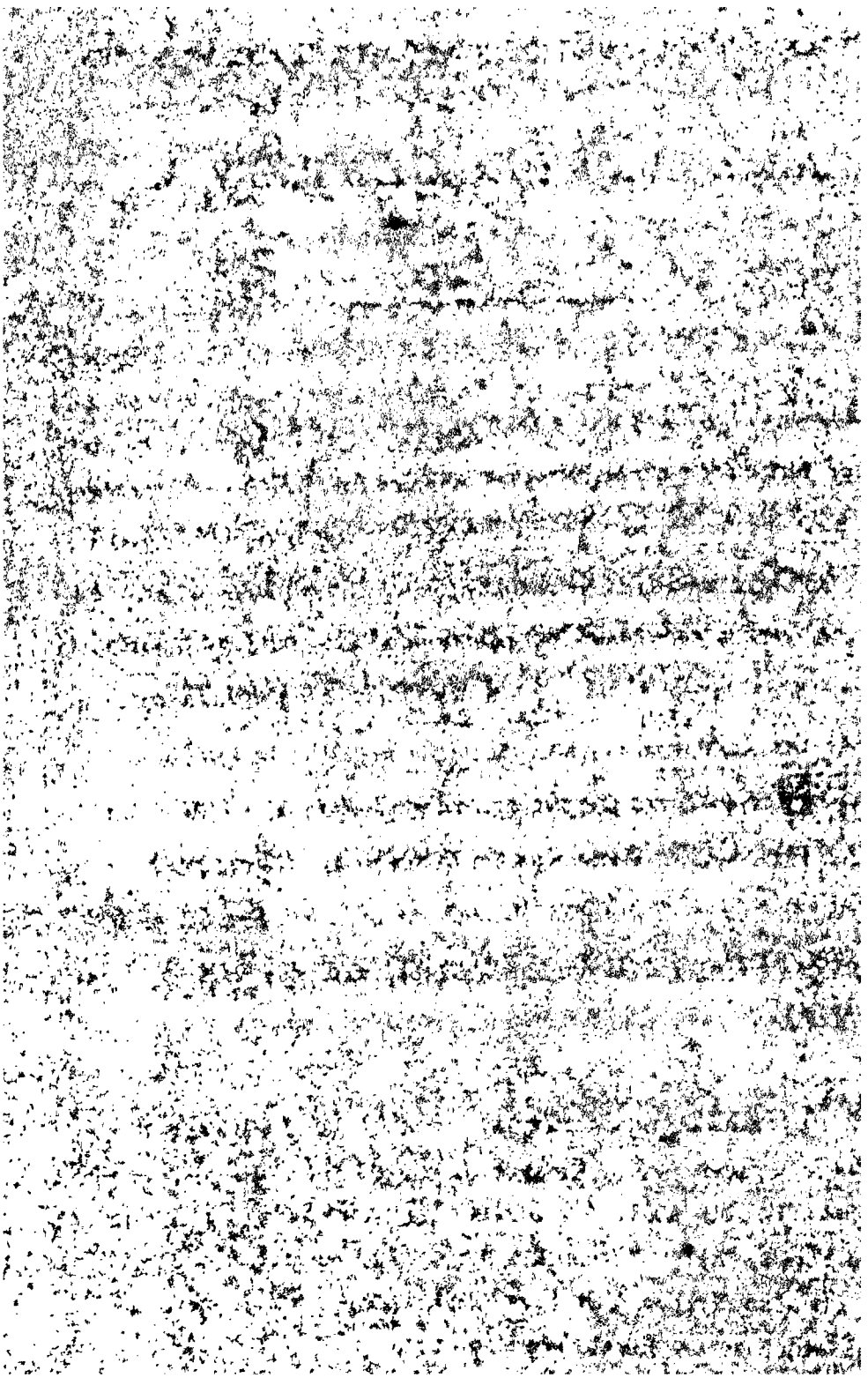
The Clerk to the Court of Petty Sessions to furnish the Court and Government half yearly with an account; and to pay the Balance into the Treasury for the benefit of the County Fund.

V. The Clerk to the Petty Sessions shall, half yearly on the 1st day of January and the first day of July, furnish the Court of Petty Sessions with an account of the sums levied for the half year preceding, and pay the balance of such account into the hands of the Sub Treasurer for the benefit of the County fund; and the said Clerk of the Petty Sessions shall lay the said accounts before the Governor in Council, or His Majesty's Justices, whenever required.

Date from which this Regulation to have effect.

VI. This Regulation is to have effect from the 1st of October 1817.

FINIS.



A. D. 1817. REGULATION V.

REGULATION *for the levying and enforcing the payment of certain taxes on carriages and riding horses; for the repair of the roads situated beyond the limits of the Town of Bombay; and for the construction of such others as may be necessary: made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India; and* PASSED *by the Governor in Council on the 6th day of August* 1817, *corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era* 1873; *Salbahan* 1739; *and the 22d Ramzan, Hijree.*

Preamble.

WHEREAS by a statute passed in the 54th year of His present Majesty King George the third, entitled " An act to remove doubts as to the duties and taxes heretofore imposed and levied, under the authority of the several Governments in the East Indies.", it is enacted, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects, as foreigners and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever resident or being thereon, and

in

in respect to all goods, wares, merchandizes, commodities and property whatsoever also being therein, and also upon all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising or recovering any such duties of customs or other taxes, or in any ways relating thereto, and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council for the non payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be, and the same are thereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an act made in the last Sessions of Parliament, entitled, " An act for continuing in the East India Company for a further term the possession of the British Territories in India together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter.", any act or acts of Parliament or law to the contrary thereof in any wise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations in relation to

any

any such duties and taxes shall and may be sued for, recovered and enforced under the provisions of the said recited act, as fully and effectually as if the same had been imposed, made, incurred or arisen, after the passing thereof: and WHEREAS by the said last recited act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties and forfeitures for the non payment of the same, or for the breach of such laws and regulations: and WHEREAS a tax on wheeled carriages was established on the Island of Bombay on the 9th of April 1784, by the Governor in Council for the time being, on the recommendation of His Majesty's Justices of the Peace, by which each and every vehicle of pleasure, whether running on four or two wheels, was taxed at rupees six per annum; and if kept for hire, at twelve rupees per annum; and each and every cart or carriage kept for goods, merchandize and other purposes of the same nature, was taxed at rupees four per annum: and WHEREAS by an Order of the Hon'ble the Governor in Council of Bombay, published on the seventeenth day of December one thousand eight hundred and eight, the aforesaid rates of tax on Chariots, Coaches, Phaetons, Curricles, Buggies, Bullock Hackeries and Labour Carts, were modified, and ordered to have effect and to be levied from the first day of January one thousand eight hundred and nine, at the following rates; viz.

On each Chariot.	20 Rs.	per Ann.
——— Coach.	20 ditto.	ditto.
——— Phaeton.	20 ditto.	ditto.
——— Curricle.	10 ditto.	ditto.
——— Buggy.	10 ditto.	ditto.
——— Bullock Hackery on two Wheels	15 ditto.	ditto.
——— Labour Cart.	5 ditto.	ditto.
——— Single-horse-pleasure Hackery.	15 ditto.	ditto.

And

A. D. 1817 REGULATION V.

And WHEREAS by the said Order of the Honorable the Governor in Council published on the said seventeenth day of December 1808, a tax was also imposed on horses at the following rate; viz.

Each and every riding Horse, with the exception of one riding horse for each military officer, .. 6 Rs. per Annum.

And WHEREAS in consequence of the great improvements lately made in the public roads of the Island, and the construction of new roads, the produce of the aforesaid taxes has proved inadequate to the construction, improvement and repair of the said roads, in so much that it has become necessary for the purposes aforesaid to augment the aforesaid taxes, and to cause them to be levied at the rates hereinafter specified: and WHEREAS it is expedient to impose certain fines, forfeitures and penalties for the non-payment of such duties and taxes; and also to provide for the appropriation of the said tax to the repairs and improvement of the public roads on the Island in manner herein after mentioned:—The Right Honorable the Governor in Council has made the following Regulation, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India

Rates of tax to be levied on Carriages, Hackeries & riding Horses.

II. There shall be assessed, raised, levied and paid

On each and every four wheel Carriage,	40	Rs.	per Annum.
On each and every two wheel Carriage,	30	ditto.	ditto.
On each and every single-horse-pleasure Hackery, ...	20	ditto.	ditto.
On each and every Bullock Hackery,	15	ditto.	ditto.
On each and every Labour Cart, ..	5	ditto.	ditto.
On each and every riding Horse, with the exception of two riding horses for each military officer, ...	6	ditto.	ditto.

III.

The Engineer of the Court of Petty Sessions appointed Assessor.

III. The Engineer Officer attached to the Court of Petty Sessions shall be the Assessor under this Regulation, and the tax shall be collected by the Collector of Bombay, quarterly, and paid into the Treasury as soon as received, subject to the appropriation hereinafter specified.

To be collected by the Collector of Bombay.

To collected according to lists in writing of the No. of Horses, Hackeries & Carts

IV. The foregoing rates of tax shall and may be assessed, levied and collected, according to lists in writing of the number of horses, carriages, hackeries and carts liable to the said duties, which shall be kept or used by any person or persons whatever; which lists shall be returned quarterly by the Assessor for the time being to the Collector: and all persons liable to the said tax are hereby required to make a true return of all their horses, carriages, hackeries and carts, liable to the said duties, to the said Assessor, when required by him to do the same: and if any person shall fail to make a true return when so required, or shall voluntarily omit any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, in such return as shall be made by him, then and in such case it shall and may be lawful for the said Assessor, and he is hereby required to surcharge every person keeping or using such horse or horses, carriage or carriages, hackery or hackeries, cart or carts, which shall not have been included in such return; which said surcharge shall be made after the rate of double the aforesaid duty for every Carriage, Horse, Hackery or Cart so omitted; and in case of non-payment of the said surcharge, or of the said assessment of the said duties or taxes, or any arrears thereof, within eight days after demand, the Collector of the revenues of Bombay is hereby authorized and required to levy the same by warrant under his hand and seal by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expences of the distress and sale, shall be rendered to the owner.

The owners to make a return.

Punishment on failure.

The mode of recovery.

V.

Owners selling any Horses &c. to be allowed an abatement.

V. The owner of any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, who may sell, give away, or otherwise divest himself, bonâ-fide, of the property in any horse, carriage, hackery or cart, included in his quarterly return to the Assessor as required by the fourth section of this Regulation, shall, on making a true statement of such divesture to the said Assessor on or before the next quarterly assessment, be allowed a proportional abatement of the assessment made on such horse, carriage, hackery or cart for the aforesaid quarter, in which he shall have so disposed of the same; and any person neglecting to make such statement during the period aforesaid shall be and is hereby declared liable to the whole assessment on such horse, carriage, hackery or cart, for the said quarter in which he shall have so included them in his quarterly return to the Assessor; and all persons making false returns of divesture aforesaid, shall be liable to be surcharged after the rates prescribed in the preceding section.

The Collector to keep a distinct account of his collections and to lay the same before the Court of Petty Sessions; to be appropriated to the repair and improvement of the Public Roads.

VI. And the said Collector is hereby required to keep a distinct and separate account of all monies so by him collected and paid into the treasury, under the title or head of "THE ROAD ASSESSMENT FUND", and of all monies paid, laid out and expended on the construction, improvement or repair of the public roads; and to lay the same annually, and as often further as may be required, before the Court of Petty Sessions; and the said Court is hereby authorized and required from time to time to lay before the Governor in Council for their approbation and consent, such plans of improvement in the aforesaid public roads with estimates of the expence of executing them, as they may think necessary; and immediately after the said plans and estimates of improvement so submitted to the Governor in Council shall receive the consent and ap-

The Court of Petty Sessions to lay before Government Plans and Estimates of improvement, and to carry the same into effect, and to make a report to Government.

probation

probation of the Governor in Council, the said Court of Petty Sessions is hereby authorized and required to carry the said plans into effect, and to make such order on the said Collector for the disbursement of such sum or sums from the said road assessment fund as the said improvements may require; and the said Court of Petty Sessions is hereby further required to report to the Governor in Council all such repairs, amendments, alterations, constructions or improvements of all such roads, and of the expenditure of all such money, as aforesaid.

Purposes to which the taxes are appropriated.

VII. And it is hereby further ordained that the whole of the said taxes, so to be levied and paid as hereinbefore provided, shall be exclusively applied to the repair and amendment and construction of the public roads on the Island situated beyond the limits of the Town of Bombay, under the inspection, and subject to the controul of the Court of Petty Sessions as aforesaid; provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money, under this Regulation, beyond the established charges of the department, without the previous sanction of the Governor in Council.

Form of warrant in levying the warrant by distress.

VIII. The following form of the warrant is to be observed in levying the warrant by distress.

First.—Whereas in and by an assessment, made and assessed according to the regulation in that case made and provided, on the owners of Horses, Carriages, Hackeries and Carts on the Islands of Bombay and Coolaba A. B. was duly rated and assessed for the quarter of the current year in the sum of rupees , being one fourth of the gross annual assessment on his of which he is the owner as aforesaid; and whereas it duly appeareth

peareth that the said sum of rupees hath been lawfully demanded of the said A. B. by the space of eight days past and upwards, and that the said A. B. hath refused and doth refuse to pay the same; these are therefore to require you forthwith to make distress of the goods and chattels of him the said A. B. and if within the space of eight days next after such distress by you taken, the said sum together with reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you detain the said sum of rupees and also your reasonable charges of taking, keeping and selling the said distress, rendering to him, the said A. B., the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant.—Given under my hand and seal this day of in the year of our Lord 18

Collector of Bombay.

Certificate to be affixed to it.

Second.—The following certificate is to be affixed to the back of the warrant.

This is to certify that the sum of rupees , being the amount rated and assessed for the quarter of the current year on a of which A. B. is the owner, hath been demanded of the within named A. B. by the space of eight days past and upwards, and that he hath refused and doth refuse to pay the same, wherefore this warrant is issued to levy the amount.

Bombay Collector's Office,
18

Collector of Bombay.

Third

Third.—The following instruction is to be also affixed to the warrant, and addressed to the person who is to execute it. Instructions to be affixed to it.

You will proceed in execution of this warrant against A. B. and should the party, on your proceeding to execution, tender payment of the amount due by him as above specified, you will receive the same, and return this warrant to me without further proceedings.

Given under my hand and seal this day of one thousand eight hundred and

Collector of Bombay.

IX. This Regulation is to have effect from the 1st of October 1817. Date from which this Regulation to have effect.

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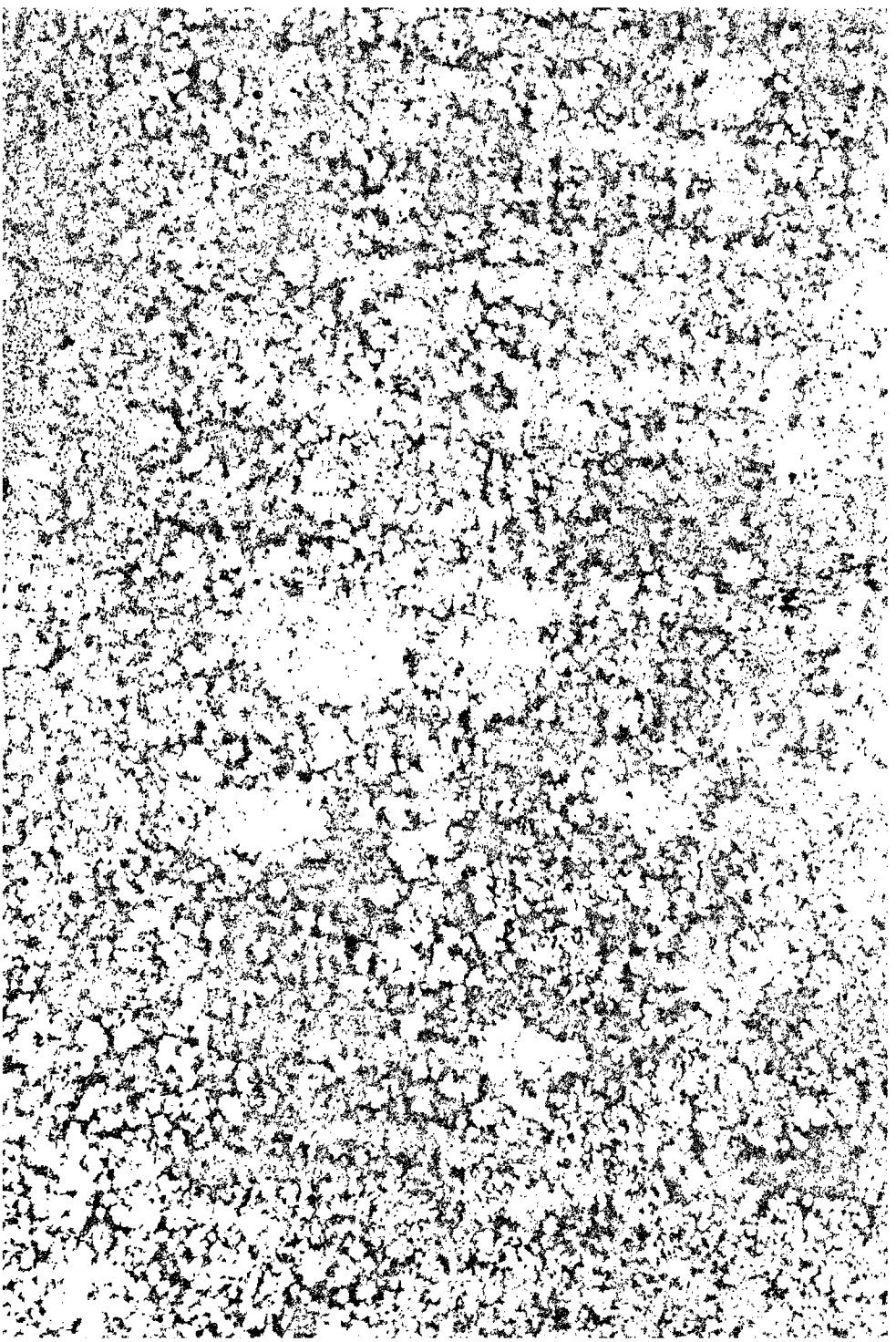


A. D. 1817. REGULATION VI.

A REGULATION *for annexing to the Zillahs of Salsette, Broach and Kaira respectively, the Territories in the Concan and Suoba or Province of Guzerat, formerly composing part of the Possessions of His Highness the Paishwa, which have been ceded to the Honorable East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette.*—PASSED *by the Right Honorable the Governor in Council, on the 27th August* 1817, *corresponding with the* 1*st Second Shravan Vud, Sumbut or Vikramajet Era* 1873; *Salbahan* 1739; *and the* 13*th Shaval* 1232, *Hijree.*

Preamble.

WHEREAS by a Treaty concluded at Poona on the 13th day of June 1817, and ratified by His Excellency the Most Noble the Governor General in Council at Calcutta on the 5th of the following month of July, His Highness Row Pundit Purdhan Bahadaur has assigned and ceded in perpetuity to the Honorable East India Company, all the Territories and Rights in the Districts of Bailapoor, Autgong and Cullian; and all the Territories possessed by His Highness situated to the North of those Districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea; and all the Rights and Territories possessed by His Highness in Guzerat, with the exception of Ahmedabad, and Oolpar,

Oolpar, and the annual payment due by the Guycowar: and WHEREAS it has been judged adviseable to annex these Territories to those Zillahs, which from their vicinity can most conveniently exercise a jurisdiction over the new Cessions: and WHEREAS it has been expedient to extend the Regulations for the Zillahs of Surat, Kaira, and Broach, to the Cessions aforesaid, the following Rules have been passed.

Cessions in the Northern Concan annexed to the Zillah Court of Salsette.

II. *First.*—The districts of Bailapoor, Autgong and Cullian, and all the Territories situated to the North of those districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea, shall be annexed to the Zillah Court of Salsette, to be denominated the Zillah of the Northern Concan, and be constituted also a separate Collectorship.

To be denominated the Zillah of the Northern Concan, and form a separate Collectorship.

The Regulations of 1799, which apply exclusively to Salsette, annulled.

Second.—The Regulations of A. D. 1799, which apply exclusively to the Zillah Court of Salsette, are hereby annulled; and the Laws and Regulations established for the administration of Justice in the Zillahs of Surat, Broach and Kaira, are declared to be in full force and effect within the Zillah of the Northern Concan from the 5th of June 1817; being the date from which the authority of the British Government has effect in the new Cessions.

The Laws & Regulations to have effect in the Northern Concan from the 5th of June 1817.

Jumboosier, Ahmood, Dejbara, Dubhoy, and Bahadurpoora annexed to the Zillah of Broach.

And the Pergunnah of Sowlee to the Zillah of Kaira.

III. The Pergunnahs of Jumboosier, Ahmood, Dejbara, Dubhoy and Bahadurpoorah shall be annexed to the Zillah of Broach; and the Pergunnah of Sowlee, situated on the left bank of the River Muhee, shall be annexed to the Zillah of Kaira; and the Laws and Regulations established for the internal administration of those Zillahs, are hereby declared to be in full force and effect in the aforementioned part of the Cessions situated in the Suoba or Province of Guzerat, from the 5th of June 1817.

The Laws of Regulations to have effect from the 5th June 1817.

IV. The Courts of Civil judicature shall not be deemed competent to take cognizance of Civil claims in any part of the abovementioned Cessions, the cause of action in which may have originated previously to the 5th day of June 1805; being a period of twelve years antecedent to such Cessions.

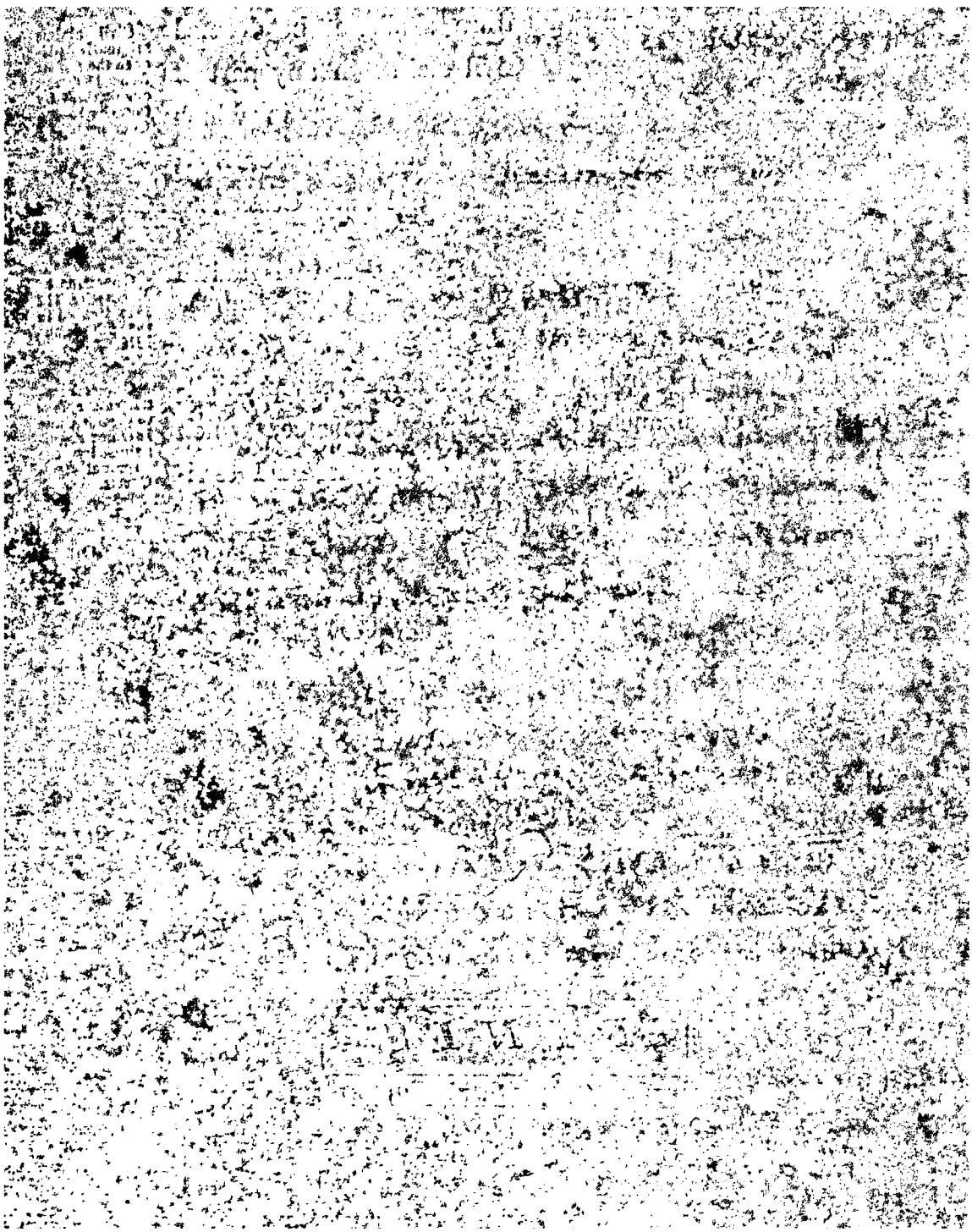
Civil claims originating prior to the 5th of June 1805 not cognizable by the Civil Courts.

V. The operation of Regulation III. A. D. 1814 is limited to the 5th day of June 1816.

Operation of Regulation III 1814 limited to the 5th June 1816.

VI. The Courts of Criminal judicature are hereby prohibited from taking cognizance of any crime or offence, which may have been committed in any part of the aforesaid territories, previously to the 5th day of June 1817, the date of Cession.

Crimes committed previous to the 5th June 1817 not cognizable by the Criminal Courts.



A. D. 1817. REGULATION VII.

A REGULATION *for preventing the clandestine importation and sale of Tobacco, Ganza and Snuff in the Islands of Bombay, Colaba, and Old woman's Island; and for licensing the retailers thereof.*—PASSED *by the Right Honorable the Governor in Council, on the 27th of August* 1817, *corresponding with the* 1st *Second Shravan Vud, Sumbut or Vekramajet Era* 1873; *Salbahan* 1739; *and the* 13 *Shaval* 1232, *Hejree.*

Preamble.

WHEREAS by an order of the Governor in Council of Bombay, dated 20th October 1810, the following duties were imposed on all Tobacco, Ganza and Snuff imported into the Town and Island of Bombay, from thence forward, in addition to and exclusive of the established three and a half per centum customs of the port on the prime cost of these articles respectively; that is to say, on all Tobacco, rupees (10½) ten and a half per Bombay maund; on Ganza, rupees (87) eighty seven per Bombay maund, and on Snuff (of foreign manufacture) rupees (1) one per pound; which said several duties were and are confirmed by the statute of the 54 Geo. III. Cap. 105 entitled, "An act to remove doubts as to duties "and taxes heretofore imposed and levied under the authority "of the several Governments in the East Indies.": And WHEREAS it is lawful for the Governor in Council to make

laws

laws and regulations respecting such duties; and to impose fines, penalties and forfeitures for the non-payment of such duties, or for the breach of such laws or regulations: And WHEREAS notwithstanding the Regulations already made to prevent the unlawful importing, and clandestine landing and running of Tobacco, Ganza and Snuff, divers wicked and evil disposed persons have of late carried on, and do still continue such pernicious and illegal practices, to the great diminution of the revenues, and to the manifest prejudice of the fair traders, in so much that it is necessary some further provision should be made for effectually preventing the same;— the following Regulation has been enacted by the Right Honorable the Governor in Council, to be in force from the date of its promulgation.

Entry to be made at the Custom House of the arrival of all vessels not exceeding 500 candies burthen having Tobacco, Ganza or Snuff on board, within 24 hours.

II. When any ship, vessel or boat, whose burthen does not exceed five hundred (500) candies, shall arrive, anchor or come within any of the waters or ports of the Islands of Bombay, Colaba or Old woman's Island, having any Tobacco, Ganza or Snuff on board, the owner, master or other person in charge of the said ship, vessel or boat, shall, within twenty four hours after the arrival of the said ship, vessel or boat within the said anchorage, make a report of the same to the Custom Master or Deputy Custom Master of Bombay, or the Assistant Custom Master at Mahim; and make a true entry in writing of all such Tobacco, Ganza and Snuff on board the said ship, vessel or boat, with the said Custom Master, his deputy or assistant: and all Tobacco, Ganza or Snuff found on board any such ship, vessel or boat, which shall not have been so reported and entered within twenty four hours after such arrival; and all boxes, casks or other packages in which the said Tobacco, Ganza or Snuff may be contained; together with all such ships, vessels or boats, shall be forfeited to the

United

A. D. 1817. REGULATION VII.

United Company of Merchants of England trading to the East Indies.

A Custom House Officer to proceed on board the vessel and to mark the bales and packages previous to their being landed.

III. The Custom Master, his deputy or assistant, shall appoint a proper officer or officers to go on board every ship, vessel or boat in which any Tobacco, Ganza or Snuff shall be imported, immediately after the same shall have been duly entered as aforesaid; which officer or officers shall mark, or cause to be marked, every box, case or other package of Tobacco, Ganza or Snuff with such mark as the Custom Master shall direct, and also with progressive numbers; and no box, case or other package of Tobacco, Ganza or Snuff shall be unshipped, landed or delivered from or out of any such ship, vessel or boat before the same shall have been so marked; and when the same shall have been so marked, the importers, proprietors or consignees of such Tobacco respectively shall forthwith, in the presence of the aforesaid proper officer or officers, unship and land, or cause to be unshipped and landed, all such Tobacco, Ganza and Snuff; and shall carry and convey the same, or cause the same to be carried and conveyed to and deposited in the Company's warehouse or warehouses; where the same shall be weighed by the proper officer of the customs, and an account taken of the same, and of the duties due thereon. And all Tobacco, Ganza or Snuff which shall be landed without having been duly entered and marked as aforesaid, or without the presence of such officers as aforesaid, shall be forfeited.

The Tobacco &c. to be deposited in the Company's warehouse and an account taken of the duties.

All Tobacco landed without being marked to be forfeited.

No Tobacco &c. to be issued from the Warehouse except for retail home consumption or re-exportation nor until the duties are paid.

IV. No Tobacco, Ganza or Snuff shall be delivered out of any of the Company's warehouses for any other purpose than home consumption by retail, or re-exportation; nor until the said duties shall be paid: and if the said duties shall not be paid within six months after the said Tobacco, Ganza

and

and Snuff shall have been entered, landed and warehoused as aforesaid, the Custom Master or his deputy is hereby authorized and required to sell and dispose of so much of the said Tobacco, Ganza or Snuff by public auction as may be sufficient to pay the said duties.

In case of the non-payment of the duties within a period of six months so much of the Tobacco &c. to be sold as will cover the said duties.

V. No Tobacco, Ganza or Snuff shall be taken from or delivered out of such warehouse or warehouses, save and except for purpose of exportation as hereinafter provided, without a permit, signed by the Collector of Bombay and countersigned by the Custom Master or his deputy, specifying the name of the wholesale importer, proprietor or consignee, the quantity of Tobacco, Ganza or Snuff so permitted to be taken and delivered, and the person to whom the same shall be delivered; such permit to be in force from sun-rise to sunset of the day on which it bears date, and no longer; and no person shall be qualified to take out such permit, and to remove such Tobacco, Ganza or Snuff from such warehouse, who is not a licensed retailer of Tobacco, Ganza or Snuff, according to the true intent and meaning of this Regulation; and no permit shall be granted to any such retailer for removing a greater quantity of Tobacco, Ganza or Snuff, in one day, than ten maunds of Tobacco, one maund of Ganza and ten pounds of Snuff.

A Permit to be obtained previous to the delivery of the Tobacco.

Permit to be granted only to licensed retailers; and the quantity to be removed, limited.

VI. Any person or persons who shall sell or retail by him, her or themselves, or by any other person or persons whatsoever employed by him, her or them, or for his, her or their benefit, any Tobacco, Ganza or Snuff, publicly or privately, in any less quantity than one hundred maunds, shall be deemed a retailer of Tobacco, Ganza or Snuff within the meaning of this Regulation; and no such retailer shall presume to sell or retail any Tobacco, Ganza or Snuff, from and after

Persons selling a less quantity of Tobacco &c. than 100 maunds to be considered retailers and to obtain a license from the Court of Petty Sessions.

after the first day of October in the year 1817, without first taking out a license for that purpose from the Court of Petty Sessions; upon pain of forfeiting, for every such offence, the sum of rupees two hundred: every such license to be in force for one year and no longer. Penalty.

VII. Every retailer, who shall take out such license as aforesaid, is hereby required to take out a fresh licence ten days, at least, before the expiration of the first; and in the same manner to renew such license from year to year; on pain of being taken, deemed and considered an unlicensed retailer. License when to be renewed.

VIII. Every retailer of Tobacco, Ganza or Snuff shall fix on some conspicuous part of the front of each warehouse, storehouse, shop, godown or other place in which he, she or they shall retail such Tobacco, Ganza or Snuff, a board; on which shall be painted at full length such retailer's name, and immediately after or below such name the words "Licensed retailer of Tobacco, Ganza and Snuff."; on pain of forfeiting his, her or their license.

IX. Every retailer of Tobacco, Ganza or Snuff shall, before taking out or renewing such license as aforesaid, make a true and particular return or entry in writing of all warehouses, storehouses, shops, godowns or other places whatsoever by him, her or them respectively used, or intended to be used, for the laying, keeping or retailing any of the said Tobacco, Ganza or Snuff, to the Collector of Bombay; and also of all Tobacco, Ganza or Snuff, by whatever name or names they are or may be called, which, at the time of making such respective entries, shall or may be in such warehouses, storehouses, shops, godowns and other places, and A return to be previously entered of all Warehouses, & the quantity of Tobacco &c. deposited therein.

every

every of them, respectively, upon pain of forfeiting the sum of rupees two hundred for every such warehouse, shop, godown and other place which shall be so made use of by such retailer; and double the amount of the duty for every maund of such Tobacco, Ganza and Snuff respectively, which shall be concealed and not entered as herein directed; together with all such Tobacco, Ganza and Snuff which shall be found therein, or concealed as aforesaid; and all casks, boxes and packages containing the same.

Certificate to be granted by the Collector of such warehouses &c.

X. The Collector shall grant a certificate to all persons who shall make the entry above required, specifying the number of warehouses, storehouses, shops or godowns that have been so entered; without which certificate no license shall be granted or renewed by the Court of Petty Sessions; and every license shall specify the number of warehouses, storehouses, shops, godowns or other places contained in the aforesaid entry and certificate.

The Court of Petty Sessions to grant and renew the license, provided the persons applying have not been convicted of any breach of the regulation.

XI. The Court of Petty Sessions is hereby authorized and required to grant and renew such license to all persons applying for the same, on their producing the certificate above required; provided always, that the persons so applying have not been convicted of any breach of this Regulation, and thereby incurred the forfeiture of such license.

A return of the sales to be made monthly by the licensed retailers.

XII. Every licensed retailer of Tobacco, Ganza or Snuff shall make a true and particular return, on the first day of every month, to the Collector, of his, her or their monthly sales in every such warehouse, storehouse, shop or godown respectively; shewing the balance of stock for the preceding month remaining unsold, the receipts and sales of the current month, and the balance remaining on hand at the date of the return;

turn; upon pain of forfeiting his or her license for the neglecting to make such return, or for making a false return; and every person making a false return shall moreover forfeit all the Tobacco, Ganza and Snuff in every such warehouse, storehouse, shop or godown.

Penalty in case of a false return.

XIII. When the stock of any retailer shall at any time appear by his monthly return, or otherwise, to exceed three times the amount of the greatest quantity of Tobacco, Ganza or Snuff for which permit can be granted according to the provisions of this Regulation, no further issue is to be made by the Custom Master on permit to such retailer, till his stock shall have been reduced so as not to exceed double the limit of the permit.

No further issue to be made if the stock on hand exceed a limited quantity.

XIV. The Collector shall appoint a proper officer or officers to inspect, examine and take an account of all such Tobacco, Ganza or Snuff as shall at any time be in the custody of any retailer of Tobacco, Ganza or Snuff; and it shall be lawful for the said officer or officers from time to time and at all times by day to enter into all and every the said warehouses, storehouses, shops, godowns or other places made use of by any such retailer as aforesaid; and to inspect, examine and take an account of all Tobacco, Ganza and Snuff there being; and if any such retailer as aforesaid shall in any wise prevent the said officer or officers from entering into his, her or their warehouses, stores, shops, godowns or other places, or any of them, to inspect, examine and take such account as aforesaid; or shall hinder or obstruct the said officer or officers in the execution of such duty; the person or persons so offending shall, for every such offence, forfeit and lose the sum of rupees four hundred.

The Tobacco in the hands of the retailers to be inspected by officers to be appointed by the Collector.

Forfeiture in case of hinderance or opposition to the inspectors.

XV. All Tobacco, Ganza and Snuff warehoused according

The Tobacco &c. warehoused to be open to the inspecti-

ing

Duty of the Importer or Proprietors.

ing to the provisions of this Regulation shall be at all times open to the inspection of the importers, proprietors or consignees of such Tobacco, Ganza and Snuff; on their making application to the Custom Master, his deputy or assistant, for liberty to inspect the same for the purpose of sale, transfer, exportation, or any other purpose not contrary to the true intent and meaning of this Regulation: and the Custom Master, his deputy and assistant, are hereby required to open the said warehouse or warehouses in which such Tobacco, Ganza or Snuff may be lodged; and to keep the same open for a reasonable time, for such purpose as aforesaid, on every such application. Provided always, that it shall not be lawful for such importer, proprietor or consignee to remove any Tobacco, Ganza and Snuff so warehoused; except by permit for home consumption by retail, or by certificate for exportation as hereafter provided.

But not to be removed without the permit.

Drawback to be allowed on exportation to places twenty leagues distant from Bombay.

XVI. A drawback will be allowed on all bonâ fide exportations of Tobacco, Ganza and Snuff; provided always, that the same be exported to some port or place at least twenty leagues distant from any part of the Island of Bombay: such drawback to be the full amount of the import duties imposed on such Tobacco, Ganza and Snuff respectively; save and except the duty of three and a half per centum, commonly called the import Custom-house duty.

Previous notice to be given in writing of the Export.

XVII. Every person desirous of exporting any Tobacco, Ganza or Snuff from Bombay to any such port or place as aforesaid, is hereby required to give notice of the same in writing to the Custom Master or his deputy; who, after weighing, or causing to be weighed, the Tobacco, Ganza or Snuff so intended to be exported, and ascertaining the drawback thereon, shall grant a certificate to the owner or other

person

person duly authorized to receive the same, that the said Tobacco, Ganza or Snuff is permitted to be exported; and shall deliver the said Tobacco, Ganza or Snuff from the Company's warehouse or warehouses to such owner or other person duly authorized to receive the same, for the purpose of exportation; and upon such delivery of any such Tobacco, Ganza or Snuff for exportation, the same shall be forthwith carried or conveyed, by the owner or such persons as he shall appoint, attended by the proper officer or officers of the customs, on board such ship or vessel in which the same shall be intended to be exported.

Precautions for the delivery of the Tobacco &c.

XVIII. If any Tobacco, Ganza or Snuff, specified in any such certificate, whereupon any drawback is to be made, shall not be really, and bonâ fide, shipped and exported (danger of the seas and enemies excepted); or shall be landed again, unless in case of distress to save the goods from perishing, which shall presently be made known to the Custom Master or Deputy Custom Master of the port or place where the said Tobacco, Ganza or Snuff shall be so relanded; then not only all such certificated Tobacco, Ganza and Snuff shall be forfeited, but also all the vessels, boats, horses, cattle, and carriages, made use of in landing or carrying the same; and the person or persons relanding the same, or concerned therein, or to whose hands they shall knowingly come, or by whose privity they are relanded, shall forfeit treble the value of the drawback; one moiety thereof to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies; the same to be levied by distress and sale of the offender's goods or chattels, by warrant under the hands and seals of two or more of the justices of the said Court of Petty Sessions.

Penalty if the Tobacco specified in the certificate be not exported, or be relanded; except in case of distress.

The forfeiture to be levied by distress & how divided.

XIX.

Tobacco &c. where to be landed and warehoused.

XIX. And for the more effectual preventing the clandestine importation or sale of Tobacco, Ganza and Snuff within the islands of Bombay, Colaba and Old woman's Island; it is hereby enacted that all Tobacco, Ganza and Snuff imported into the island of Bombay shall be landed directly at the custom house bunder within the Fort of Bombay, or at the Musjed bunder; and warehoused as already directed by this Regulation: and all Tobacco, Ganza and Snuff imported or brought into the island of Bombay by the causeway extending from Bombay to Salsette, or landed at any port or place in the island of Bombay, save and except the aforesaid custom house and Musjed bunders, or at any place whatsoever in the islands of Colaba and Old woman's Island, shall be forfeited to the Company; provided always, that nothing herein contained shall prevent the carrying or conveying permitted Tobacco, Ganza or Snuff by the ferry into Old woman's Island, and from thence into Colaba.

Tobacco otherwise landed to be forfeited.

Exception in favor of Tobacco passing the Colaba Ferry.

The Custom Master to issue a warrant to search the Premises in which smuggled Tobacco may be deposited, on receiving information on Oath.

XX. And for the more effectual discovering and detecting the smuggling or clandestine importation or sale of any Tobacco, Ganza or Snuff; it is hereby enacted, that if any credible person shall give information on oath before the Custom Master of Bombay, or his deputy or assistant, or the Collector of Bombay, that any such smuggled or clandestinely imported Tobacco, Ganza or Snuff are so harboured, kept and concealed in any ship, boat or other vessel, or in any house, shop, cellar, warehouse, godown, room, compound, field, garden or any other place whatsoever, the said Custom Master, Deputy Custom Master or Assistant Custom Master, or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant under his hand and seal to a Constable, or other public officer, commanding the said Constable, or other public officer

to

to whom the said warrant shall be so directed, to enter in the day time, any such ship, boat, vessel, house, shop, cellar, warehouse, godown, room, compound, field, garden or place, as may be specified in the said information, or pointed out by the said informer; and in case of resistance, to break open doors, chests and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely imported Tobacco, Ganza and Snuff as shall there be found, and to secure the same in the Company's warehouse until the claimer of the same shall make proof before the said Court of Petty Sessions, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, that the said Tobacco, Ganza or Snuff have been duly entered, landed, warehoused and delivered out of warehouse by permit or certificate according to the provisions of this Regulation, and that the duties on the said Tobacco, Ganza or Snuff have been paid or secured; provided such proof be made within ten days, in failure whereof, the said Tobacco, Ganza or Snuff shall be forfeited; one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies: and if any person whatsoever shall be convicted, upon his, her or their appearance, or default, upon the oath or oaths of one or more credible witnesses, or by the confession of the party before the Court of Petty Sessions, of knowingly harbouring, keeping or concealing, or knowingly permitting or suffering to be harboured, kept or concealed, such smuggled Tobacco, Ganza or Snuff, the party or parties offending therein, whether he, she or they have or have not, or do or do not claim or pretend to have any property or interest in such Tobacco, Ganza or Snuff so harboured, kept or concealed, shall, for every such offence, forfeit and lose all such Tobacco, Ganza and Snuff so harboured,

The Tobacco &c. so seized to be retained until proof be afforded of their having been duly entered and the duties paid.

Forfeiture in case of proof not being given within ten days.

Persons convicted on Oath of knowingly harbouring smuggled Tobacco &c. to be fined and the articles forfeited.

boured, kept and concealed, and treble their value; one moiety thereof to the informer, and the other moiety to the United Company of Merchants of England trading to the East Indies; the same to be levied by distress and sale of the offender's goods or chattels by warrant under the hand and seal of two or more justices of the said Court of Petty Sessions.

Fine to be levied by distress and how divided.

XXI. All Tobacco, Ganza or Snuff which shall be imported or brought into the islands of Bombay, Colaba or Old woman's Island in any manner contrary to the provisions of this Regulation; and all Tobacco, Ganza and Snuff found in the possession of any hawker, itinerant vender, or other unlicensed retailer, for the purpose of sale; or in any of the streets, roads, lanes, bunders or other places of the said islands, without a permit, certificate or proper officers as already provided, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of Merchants of England trading to the East Indies, together with the packages containing the same: and such Tobacco, Ganza or Snuff respectively, and the packages containing the same, shall and may be seized by any officer or officers of the custom house or of the Collector or of the Magistrates of police, who is and are hereby authorized and required to secure the same in the said Company's nearest warehouse, or warehouses until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, or the Magistrates of police, that the said Tobacco, Ganza and Snuff have been duly entered, landed, warehoused and delivered out of warehouse by permit or certificate according to the provisions of this Regulation; and that the duties on the said Tobacco, Ganza or Snuff have been paid

All Tobacco &c. landed or sold contrary to the Regulation to be seized and forfeited.

or

or secured; provided such proof be made within ten days, in failure whereof, the said Tobacco, Ganza or Snuff shall be forfeited; one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies.

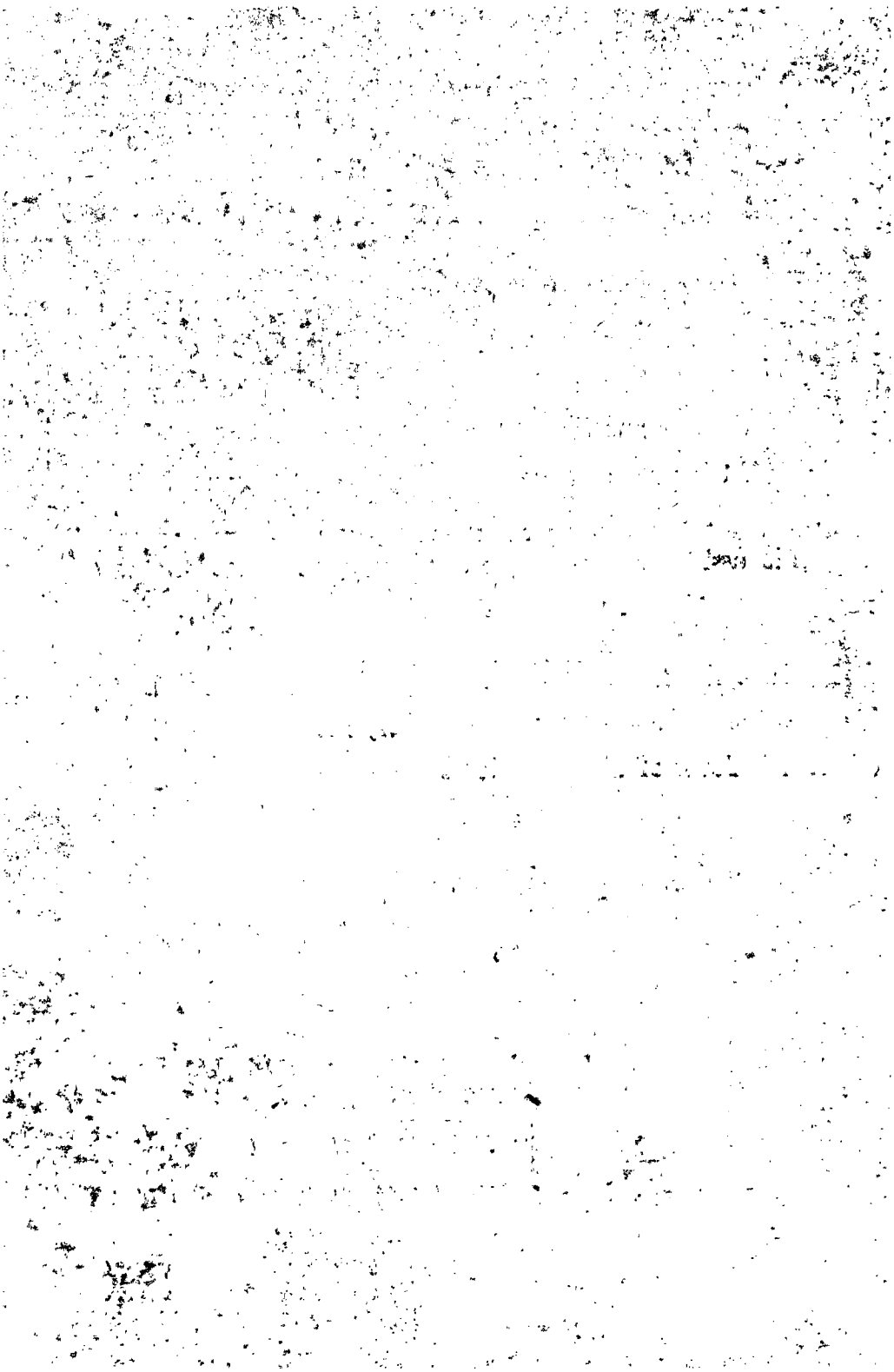
XXII. All forfeited Tobacco, Ganza and Snuff shall be put up to public auction at the custom house and offered to sale; and if no person shall offer or bid for the same more money than the customs and duties on the said Tobacco, Ganza and Snuff taken together would amount to, then and in such case, it shall and may be lawful to and for the Custom Master, his assistant or deputy respectively, to cause the same respectively to be burnt or destroyed.

All forfeited Tobacco &c. to be put up to public auction, and burnt or destroyed if the price offered do not exceed the customs & duties.

XXIII. All fines, penalties and forfeitures imposed by this Regulation shall and may be sued for, recovered and inforced in the Court of Petty Sessions.

All fines, penalties &c. to be sued for and enforced in the Court of Petty Sessions.

FINIS.



TITLES OF THE REGULATIONS

PASSED IN THE YEAR 1817.

REGULATION

I

A REGULATION *for annexing to the Zillahs of Kaira and Surat, the Purgunnas, Tuppa and Villages in Guzerat formerly composing part of the territories of His Highness the Guycowar, and ceded to the Honorable East India Company in exchange for the Purgunnah of Beejapoor.—Passed on the 23d April* 1817.

II.

A REGULATION *for amending Regulation XIII of* 1815.—*Passed on the 23d July* 1817.

III.

A REGULATION *to explain and amend Regulation IX* 1815, *made by the Right Hon'ble the Governor in Council on the 6th of September* 1815, *respecting a certain tax on houses on the island of Bombay situated beyond the limits of the town, and island of Coolaba; which tax was imposed by the order and under the authority of the Right Hon'ble the Governor in Council on the 20th January* 1813; *and confirmed by the statute of the* 54 *Geo. 3. C.* 105.—*Passed on the 30th July* 1817.

IV.

A REGULATION *for authorizing the levy of certain fees in the Court of Petty Sessions, and in the offices of the Magistrates of Police; made with*

with the sanction of the Court of Directors of the United Company of merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India.—Passed on the 6th August 1817.

V.

A REGULATION *for the levying and enforcing the payment of certain taxes on carriages and riding horses; for the repairs of the roads situated beyond the limits of the town of Bombay; and for the construction of such others as may be necessary: made with the sanction of the Court of Directors of the United Company of merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India.—Passed on the 6th August* 1817.

VI.

A REGULATION *for annexing to the Zillahs of Salsette, Broach and Kaira respectively, the territories in the Concan, and suoba or province of Guzerat, formerly composing part of the possessions of His Highness the Paishwa, which have been ceded to the Hon'ble East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette.—Passed on the 27th August* 1817.

VII.

A REGULATION *for preventing the clandestine importation and sale of Tobacco, Ganza and Snuff in the Islands of Bombay, Coolaba and Old Woman's Island; and for licensing the retailers thereof.—Passed on the 27th of August* 1817.

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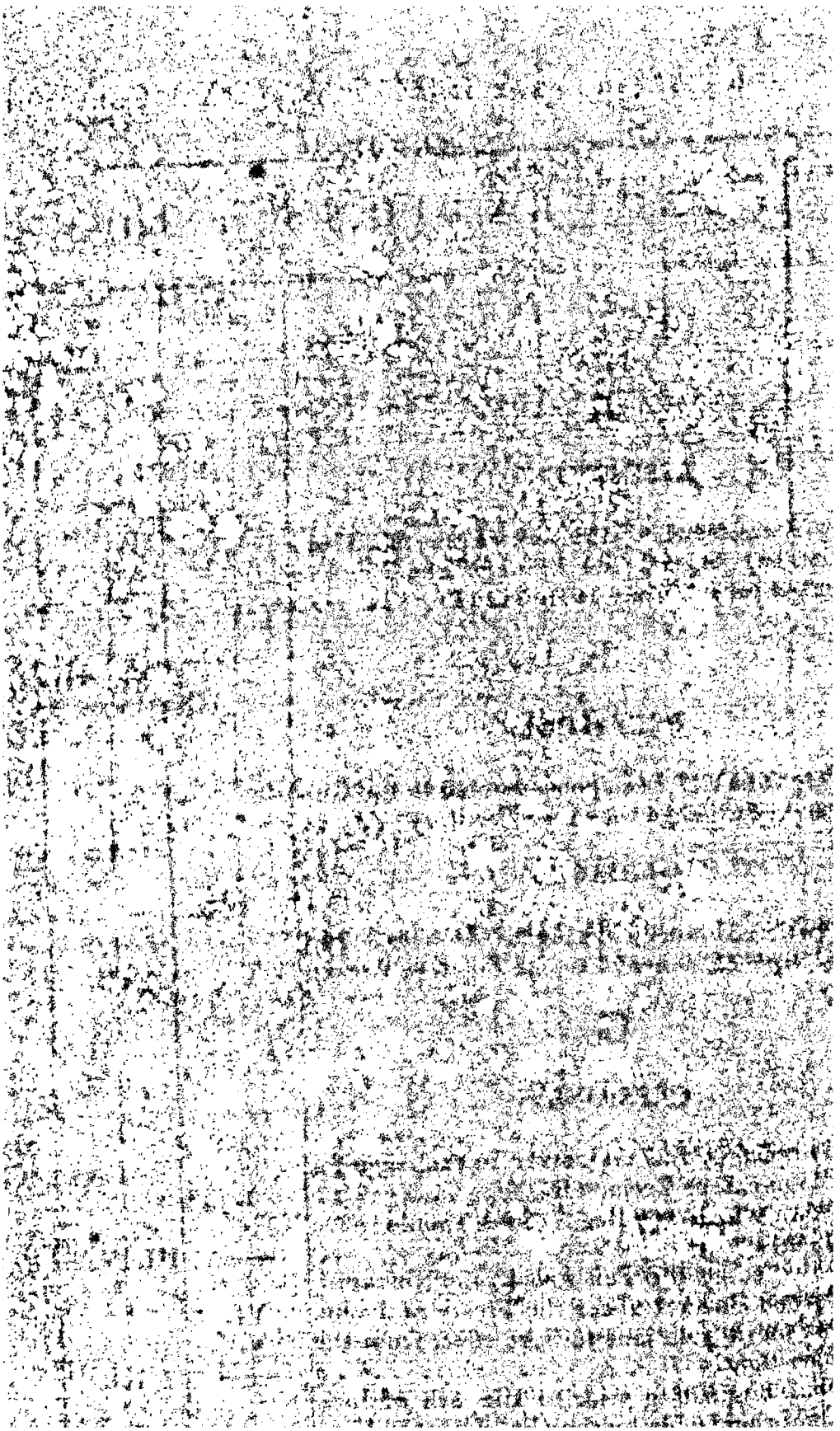

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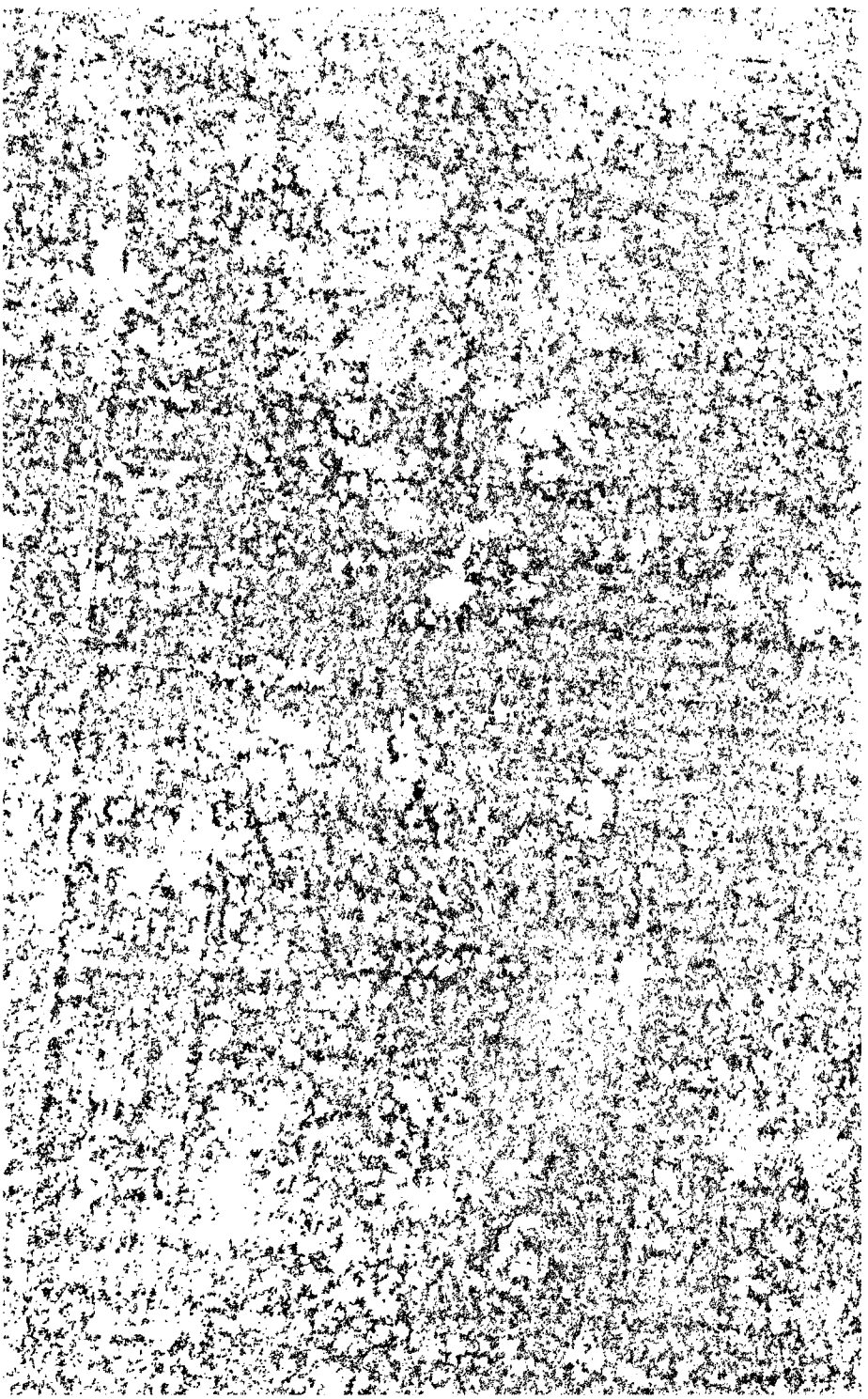

A. D. 1818. REGULATION I.

A REGULATION *for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay.*—PASSED *by the Right Hon'ble the Governor in Council on the* 2*d January* 1818, *corresponding with the* 10*th of Magseer Vud, Vickramajet or Sumbut Era* 1874; *Salbahan* 1739; *and* 24*th of Suffer*, 1233 *of the Hijree.*

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on all opium not made within the limits of the territories immediately dependent on the presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the presidency of Bombay; the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation. Preamble.

II.

All opium, excepting that made within the limits of the Territories immediately dependent on the Presidency of Fort William, subject to a duty of twelve Rupees per Surat seer.

II. All opium, excepting opium made within the limits of the territories immediately dependent on the presidency of Fort William, shall, on being imported or brought into any port or place within the limits of the territories dependent on the presidency of Bombay, be subject to a duty at the rate of twelve rupees per Surat seer.

Mode of levying the duty abovementioned.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs on goods or merchandizes imported by sea; subject however to the provision contained in the following section: and

Opium liable to forfeiture on breach of the rules contained in this Regulation.

any opium imported or landed in breach of the said rules and provisions shall be forfeited; two third parts to the said United Company, and one third part to the person or persons who shall sieze, inform and sue for the same; and shall and may be seized as forfeited by the Collector or any of the officers of the custom-house or customs, to be by them conveyed and deposited in one of the said United Company's warehouses or other secure place.

Option granted to proprietors to lodge their opium in the Company's warehouse, instead of landing it at the custom-house, and without payment of the prescribed duty in the first instance.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated Government customs on goods or merchandize imported by sea, deliver it at the Company's warehouses, or such other warehouse as shall be approved by the Governor in Council, and secure and lodge it therein without payment of duty in the first instance; provided

But such opium not to be removed, until the duty shall be duly paid.

however, that opium so warehoused shall not be removed until the duty imposed by this regulation shall have been duly paid.

Opium lodged or secured as above-mentioned, to be cleared and taken away

V. The importers, proprietors or consignees of opium which

shall

shall have been lodged or secured as aforesaid, shall, within 12 calendar months, to be computed from the date of the production of the manifest at the custom-house, clear and take from out of such warehouses or places all such opium; and shall pay the full duty imposed by this regulation: and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor in Council, or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this regulation; and the overplus, if any, shall be paid to the proprietor or other persons authorised to receive the same: provided, that no such opium shall be sold, unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid; but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor in Council shall appoint.

within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the opium liable to be sold.

And the produce how to be disposed of.

Proviso.

Opium liable to be destroyed.

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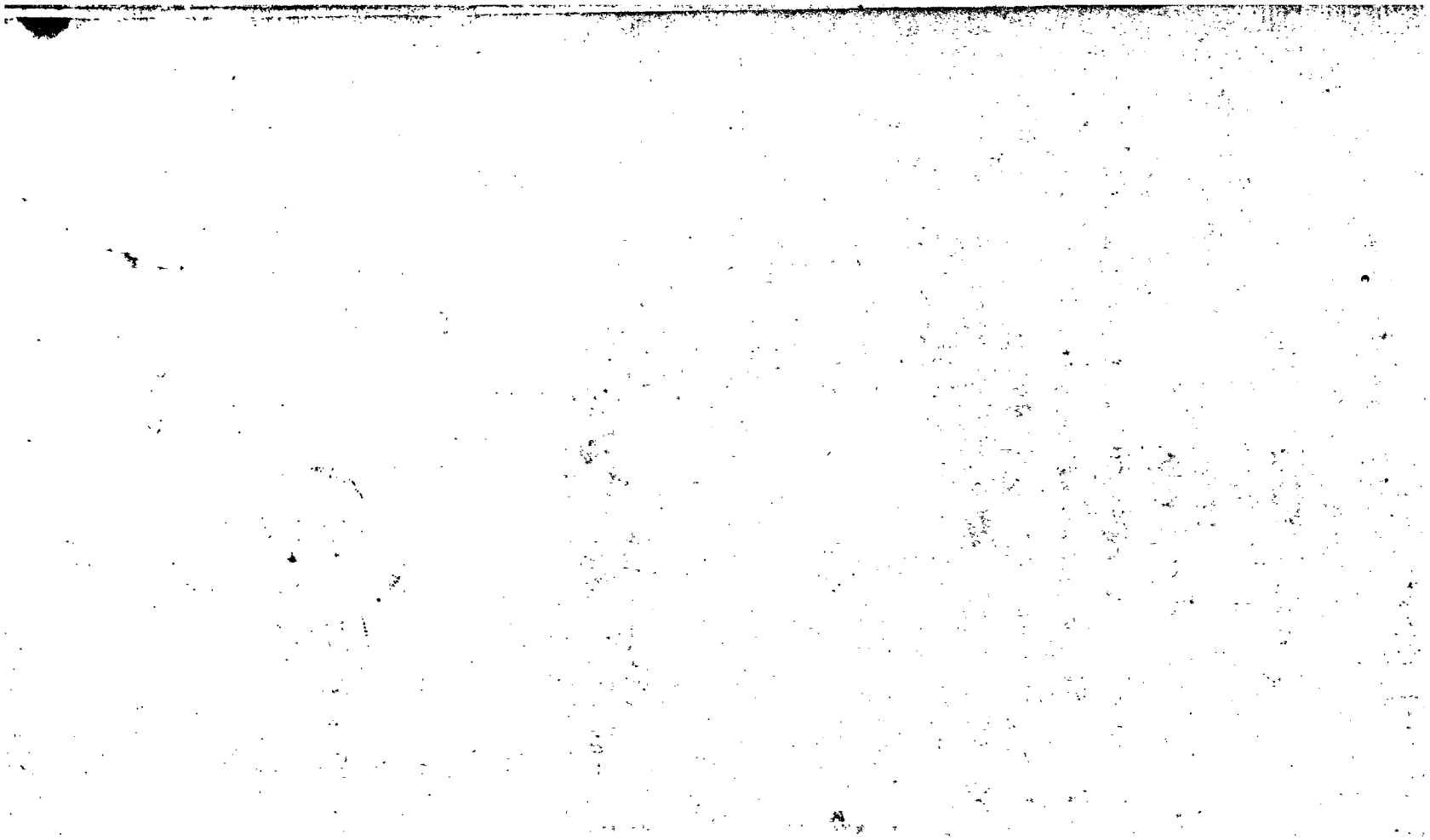

A. D. 1818. REGULATION II.

A REGULATION *to amend Regulation VIII. A. D.* 1813. —PASSED *by the Right Honorable the Governor in Council on the* 20*th May* 1818, *corresponding with the* 15*th of Vysaik Sood, Sumbut or Vikramajit Era* 1874; *Salbahan* 1740; *and* 14*th of Rujub* 1233 *of the Hijree.*

Preamble.

WHEREAS it has been considered to be inexpedient to require from Comavisdars the Mochulka prescribed in section VII. Regulation VIII. A. D. 1813, the following rules have been enacted.

Section VII. Regulation VIII. 1813, rescinded.

II. Section VII. Regulation VIII. 1813, is hereby rescinded.

Comavisdars and other Native Revenue officers, prohibited from trade, or the receipt of presents.

III. All Comavisdars or others concerned in the collection of the Revenue are to stand prohibited, from the promulgation of this Regulation, from being engaged in trade; and restricted from the receipt of any nuzzers, or presents, of any amount or description; and will subject themselves to dismission from office for being hereafter engaged in any commercial transaction; and to a penalty of three times the amount, on conviction in a court of justice, of any nuzzer they may have received.

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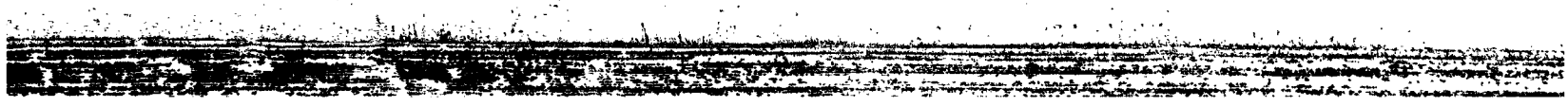

A. D. 1818. REGULATION III.

A REGULATION *for modifying and defining the powers of Magistrate, and transferring the office of Zilla Magistrate from the Judge to the Collector of the Zilla, constituting the Judges of the Zilla Courts the criminal Judges of the Zillas, with charge of the Police of the Sudur stations, and for defining their powers:*—PASSED *by the Right Honorable the Governor in Council of Bombay on the* 10*th June* 1818, *corresponding with the* 6*th of Jest Sood Sumbut or Vekramajet Era* 1874; *Salbahan* 1740; *and* 5*th Shaban* 1233 *of the Hijree.*

Preamble.

WHEREAS the rules which have been enacted for the guidance of the Zilla Magistrates have appeared in some instances to require revision: and WHEREAS it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of Zilla Magistrate: and WHEREAS it appears expedient, in order to prevent the collision of authorities, and to facilitate the administration of civil and criminal justice, to transfer the office of Magistrate from the Judge to the Collector of the Zillah, beyond the Sudur stations of the Zilla Courts; to constitute the Judges of the Courts of Udalut of the several Zillas criminal Judges of their respective Zillas, with the duties of the Police at

at the Sudur station as heretofore; and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences: the following rules have been enacted, to have effect from the 1st August 1818 inclusive.

Magisterial Regulations now in force, only applicable to Sudur stations.

II. The Regulations in force relative to Magistrates and their assistants, are hereby declared to be in future applicable only to cities and towns, the Sudur stations of the several Zilla Courts.

Collectors in the several Zillas to be Magistrates in their respective Zillas.

III. The Collectors of the several Zillas shall hold the office of Zilla Magistrate; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the form and mode prescribed in Section II, Regulation III. A. D. 1800.

Assistants to the Collectors to be assistants to the Magistrates.

IV. The assistants to the Collectors of Zillas shall be assistants to the Magistrates of the Zillas, as prescribed by Section VI, VII and VIII, Regulation II. A. D. 1802.

The Magistrate's official seal.

V. The Magistrate shall use a circular seal, one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district.

"The Seal of the Magistrate of the Zilla of ———."

To remain in his custody.

The seal of each Magistrate is to remain in the custody of the Magistrate.

Special jurisdiction of the Magistrates of the several Zillas

Exception.

VI. The special jurisdiction of the Magistrates of the several Zillas is to extend throughout the districts included in the Zillas, in which they are respectively stationed: provided however, that the Magistrates be not considered to have any jurisdiction or authority whatever, in the city or town in which the Zilla Court is situated.

Magistrates to apprehend all persons charged with crimes and misdemeanors.

VII. It shall be the duty of the Magistrate to apprehend murderers,

murderers, robbers, thieves, house-breakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Crimes which are not bailable

VIII. *First.*—Persons accused of treason, murder, robbery, setting fire to any house or village, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient ground for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the Magistrate is authorized to proceed, in the first instance, either by warrant for taking into custody, or by summons requiring bail, as he may judge proper on consideration of the circumstances of the case, and of the condition and character of the party accused.

How a Magistrate is to proceed if the charge be for manslaughter, or illegal homicide not amounting to murder.

Principle of the foregoing section applicable to persons privy or incidentally accessary to heinous crimes.

Second.—The principle of the latter part of the preceding clause is also declared applicable to persons, appearing from the Magistrate's enquiry to have been only privy or incidentally accessary to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Points to be attended to by Magistrates in their enquiries into charges preferred to them.

IX. The Magistrates upon receiving any charge for any heinous crime, or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

How a Magistrate is to proceed upon a complaint being preferred to him for any of the crimes herein specified declared not bailable; or though the crime charged be of a heinous nature, but not expressly declared to be unbailable

X. *First.*—Upon a complaint being preferred in writing to a Zilla Magistrate, against any person subject to his jurisdiction, for treason, murder, robbery, house-breaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous

breach

breach of the peace, or degree of criminality, as from the facts deposed to before the Magistrate, may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the Magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following sections, shall issue a warrant under his official seal and signature, specifying the crime charged, and directing the officer entrusted with the execution of it to apprehend the person accused.

To issue warrant under his official seal and signature. What the warrant is to contain.

Second.—The warrant shall be in the form prescribed in No. 1, of the Appendix to this Regulation, and shall be directed to any Police officer.

Form of warrant for apprehension.

Third.—If the Magistrate shall, in any bailable case, judge it proper to authorize the officer, to whom the warrant is committed, to receive bail for appearance (with or without security for keeping the peace), it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the form prescribed in No. 2, of the Appendix to this Regulation.

What to be specified in warrant, when bailable, or security for keeping the peace is to be taken.

Fourth.—The bail to be taken for appearance before the Magistrate, shall be in the form prescribed in No. 3, of the Appendix to this Regulation.

Form of bail bond for appearance before the magistrate.

Fifth.—When security may be required for keeping the peace, it shall be taken in the form prescribed in No. 4, of the Appendix to this Regulation.

Form of security bond for keeping the peace.

XI. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person, or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent, and corroborated

Personal attendance of complainant, under certain circumstances herein prescribed, not indispensable.

by

by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present, or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the Magistrate see reason for making the previous enquiry authorized by the following section: but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration), either by the complainant himself, or by some other credible person. This shall not, however, be construed to restrict a Magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a public officer, or upon any other credible information.

Exception.

No warrant to be issued, unless the charge be sworn or deposed to under a solemn declaration, either by the complainant or some other credible persons.

Magistrate not restricted from issuing process for apprehension, upon the report of officers of Police, or other credible information.

XII. If the Magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the Magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous enquiry to be made, either by means of the local Police officers, or in such other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of such enquiry induce the Magistrate to believe the charge well founded, and the offence committed be of the nature described in Section X of this Regulation, he shall issue his warrant for apprehending the accused therein directed. But if the accusation appear groundless, or, though well founded, if the offence be of a bailable nature, he is empowered, in the former case, to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused for

How the Magistrate is to proceed if he see cause to distrust the truth of a complaint.

appearance,

appearance, in person or by Vakeel, to answer the charge, as provided by the following section.

How a Magistrate is to proceed against a person charged with a bailable offence.

XIII. *First.*—Upon a complaint in writing being preferred to a Zilla Magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the Magistrate, upon the party complaining making oath (or a solemn declaration if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any public officer.

What the summons is to contain.

Second.—The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend, either in person or by Vakeel, to answer to the charge on or before a certain day, to be stated in the summons, according to the form prescribed in No. 5, of the Appendix to this Regulation.

Form to be substituted when bail is required.

Third.—If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the form prescribed in No. 6, of the Appendix to this Regulation.

Bail bond to correspond with that prescribed in clause fourth of section X.

Fourth.—The bail to be taken for appearance before the Magistrate in pursuance of the above clause, shall correspond with the form prescribed by clause fourth, Section X. of this Regulation.

How a Magistrate is to proceed if the accused on whom a summons may have been served

XIV. If an accused person on whom a summons shall have been served, shall not attend in person, or by Vakeel, and give

bail

bail (if required), according to the exigence of the summons, within the period limited by it, the Magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused, and if he abscond, or conceal himself so that he cannot be found, shall proceed against him in the manner directed in the following section.

shall not attend in person or by Vakeel & give bail if required.

XV. *First.*—The Magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Cutchery, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the Magistrate, on receiving the Police officer's return to this effect, is to order the attachment of any land, or other real property, held by the absentee, within his jurisdiction, in the following manner.

Magistrate to proceed against persons who may evade their process by flight or concealment.

Lands or other real property, to be attached on non-attendance after proclamation.

Second.—If the absentee be a proprietor of land, or Sudur farmer paying revenue to Government, the Magistrate shall hold the land or farm of the absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Government; to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Attachment, in what manner to be made, if the absentee be a proprietor or farmer of land paying revenue to Government.

Third.—If the absentee be not a proprietor, or farmer of land paying revenue to Government, but as a dependant talookdar, under farmer, or ujat, or in any other capacity whatever,

Or, if the absentee be not of the above description.

ever, be the tenant of landed property capable of attachment, the Magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar, or other person entitled thereto; and deducting all necessary expenses in the account to be rendered to the absentee whenever he may attend, and the attachment of his property be removed.

Attachment to be taken off, on attendance of the absentee, and an account rendered of receipts and disbursements.

Fourth.—In all instances wherein an attachment of property may be made under the foregoing rule, the Magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor in Council in case the absentee shall not attend within six months after the attachment of his lands.

Fifth.—Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the Magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands, as he may judge proper.

Magistrates how to proceed against persons resisting their processes.

XVI. *First.*—If any person amenable to the authority of the Magistrate, shall resist, or cause to be resisted, any warrant, order, or other process of any Magistrate, the Magistrate of the Zilla in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party to be apprehended and brought before him to answer to the charge. If the party shall abscond, or conceal himself so that he cannot be apprehended, the Magistrate is to cause a written proclamation, in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum,

and

and to be affixed in some conspicuous part of his Cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party, charged as above, cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and, after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the Magistrate that he is guilty of the charge, the Magistrate is to pass judgment against him in the following manner.

Judgment is to be passed against persons convicted of such offences.

Second.—If the offender be a Zemindar, Talookdar, or other proprietor of land paying revenue to Government, or the proprietor of lands exempt from revenue, situated within the Zilla in which the resistance was made, and the case shall not come under the rule provided in clause fifth of this section, the Magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

If a proprietor of land paying revenue to Government or Lakheraj land.

Third.—If the offender be a Sudur farmer holding a farm from Government within the Zilla, in which the resistance may have been made, and the case shall not come under the rule provided in clause fifth of this section, the Magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If a Sudur farmer holding a farm from Government.

Fourth.—If the offender be not a proprietor of land, or Sudur farmer paying revenue to Government, as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to Government,

If the offender be not of the above descriptions.

as

as may appear proper upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the Magistrate shall immediately proceed to the attachment of any property appertaining to the offender, for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the civil courts of justice. In cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the Magistrate, with the concurrence of the Superior Tribunal, may commute such fine to imprisonment or corporal punishment.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in clause sixth.

Fifth.—In cases of resistance to the process of a Magistrate, not attended with aggravating circumstances, wherein the Magistrate, before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section XXX of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the Supreme Tribunal, as required by clause sixth of this section; but the judgment of the Magistrate shall be executed, in such cases, without reference to the Superior Tribunal.

Judgments of Magistrates under this section (with the exception specified) to be reported to the Superior Tribunal, without whose orders such judgment not to be considered final and conclusive.

Sixth.—Provided always, that the whole of the judgments passed by the Magistrates under this section (with an exception to the judgments passed under the preceding clause) be immediately reported, with a complete copy of their proceedings, to the Court of Superior Tribunal, and the orders of that Court be received, under the following section, before the judgment passed by a Magistrate, under this section, be considered final and conclusive.

Superior Tribunal how to proceed in cases referred to them under this Regulation.

XVII. The Superior Tribunal on the receipt of the proceedings above referred to, are to pass such order thereupon

as they may think proper, on due consideration of the evidence, and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Superior Tribunal is to be final in all cases of fine, imprisonment and corporal punishment; but in case they shall confirm the judgment of the Magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the Magistrate, to the Governor in Council; who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will, at the same time, cause the necessary instructions for the future disposal of the land to be conveyed to the Collector. In case the Magistrate's judgment of forfeiture be set aside, either by the Superior Tribunal, or the Governor in Council, he shall, immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment, and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates not restricted from admitting to bail, persons accused of resistance to criminal processes, in certain cases.

XVIII. The rules contained in Section XVI of this Regulation, shall not restrict the Magistrates from admitting to bail persons charged with resistance to a warrant, order, or other process of a Magistrate in cases not attended with aggravating circumstances; nor in any case, when the Magistrate, upon receipt of the charge, or in the course of his enquiry respecting it, or after he shall have passed judgment upon it,

during

during the reference required to be made to the Superior Tribunal; may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, it is hereby declared, that persons apprehended on a charge of resistance of process under this, or any other Regulation, and who may not be accused of any aggravating crime in addition to the resistance of process, such as is declared not bailable by Section X of this Regulation, are to be admitted to bail, until a final decision shall have been passed upon the charge; provided the bail offered by them shall appear to the Magistrate sufficient for securing the appearance of the persons so charged, during the prescribed investigation of the case.

In what cases such persons may be admitted to bail.

XIX. In cases of gang robbery, murder, or other heinous crime, when the Magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, or when the offenders may not be known, if it appear adviseable to the Magistrate of the jurisdiction, in which the crime may be committed, to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred current rupees for a Surdar, or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the Magistrate to require a larger reward, he shall report the same to the Court of Superior Tribunal, with his opinion of the reward that should be offered; and the Court of Superior Tribunal may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred current rupees for a Surdar or leader, and one hundred rupees for each of the inferior offenders. If these rewards appear to be

Magistrate how to proceed, when it may appear adviseable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

Discretion vested in the Magistrate in such cases.

And in the Court of Superior Tribunal.

in

in any case insufficient, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

In what case a report to be made for the orders of Government.

XX. All specific rewards offered under the discretion of the Magistrate, or which may have been duly sanctioned by the Court of Superior Tribunal, or the Governor in Council, under the preceding section, shall be payable on the conviction of the offender or offenders before the Courts of Circuit. The Courts of Circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, altho' the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners is well founded: provided farther, that it shall be competent to the Courts of Circuit to withhold and prohibit the payment of the whole, or any part of the specific rewards offered under the preceding section, altho' the persons informed against and apprehended may be convicted, if it should appear on the trial, that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

Reward sanctioned under the preceding section, when payable.

In what cases the Courts of Circuit may order payment, in whole or in part, without conviction of the persons apprehended.

In what cases the Courts of Circuit may also withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

XXI. In cases wherein any meritorious service may have been rendered by Police officers, or others, in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the person or persons who have performed such meritorious service, the Courts of Circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the prosecution of it, are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees

Authority vested in the Courts of Circuit to direct a remuneration for meritorious service by Police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them.

pees for a Surdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the Court of Superior Tribunal, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward, or compensation, than five hundred rupees, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

And in the Court of Superior Tribunal.

In what case a report to be made to Government.

XXII. *First.*—Upon a prisoner being brought in the first instance before the Magistrate, charged with any crime or misdemeanor, he shall enquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be examined upon oath (or on a solemn declaration if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this enquiry, if it shall appear to the Magistrate that the crime or misdeameanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the Magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the Court of Circuit, with the calendar ordered to be prepared in Section XXXVIII of this Regulation.

Prisoner to be examined, but not upon oath; and his deposition to be committed to writing.

The witnesses to the charge to be examined on oath (or solemn declaration) & their depositions to be committed to writing.

Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing.

Second.—If, on the contrary, it shall appear to the Magistrate, that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the Magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the criminal Judge of the Zilla. But it shall

Magistrates to send the prosecutor, witnesses and prisoner to the criminal Judge, if there shall be evidence that the crime or misdemeanor was committed.

shall not be necessary for the Magistrate to go further into the examination, than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Magistrate need go no further into examinations than may satisfy his mind of the prisoner's guilt.

XXIII. Whenever the Magistrate may forward a prisoner to the criminal Judge under the preceding section, he shall send, by the Police peons in charge of the prisoner, a paper containing the name of the prisoner, the crime with which he is charged, and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any Police officers. The Judge shall, immediately on the receipt of such paper, certify on the back of it, whether or not the prisoner and documents have been received, and shall return it by the Police peons to the Magistrate, and no other communication shall be necessary.

Documents to be forwarded with the prisoner to the Judge.

XXIV. When a prisoner confesses before the Magistrate the crime or misdemeanor of which he may have been accused, the Magistrates are to be careful to have such confession witnessed by as many credible persons, not being servants of the Government, who may be present at the time it may be made, as is required to give it validity; but the Magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The Magistrates are further required to take special care, that persons, upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Prisoners' confessions or confirmations of former confessions of their guilt, to be attested by the number of witnesses required to render them valid.

The Magistrates to be careful that they are free & voluntary, and to take special care that prisoners suffer no ill treatment after apprehension to compel them to speak the truth, or for other purpose.

XXV. No private compromise, or razeenameh, shall be admitted by the Magistrate in crimes of a heinous nature, such as, on conviction, may require exemplary punishment for the ends of public justice.

Magistrate, not to admit any compromise in crimes of a heinous nature.

XXVI.

Rules respecting examinations taken before the Magistrate.

XXVI. All examinations and depositions taken before the Magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the Magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Magistrates not to receive any charges of perjury.

XXVII. The Magistrates of the several Zillas shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil Courts, either as plaintiffs, defendants, or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the Zilla Judge, under the authority vested in him by Section XIII, Regulation II 1800.

Individuals attending in civil suits, not liable to prosecution for perjury, unless committed for trial before the Judge.

Magistrates to transmit to the Superior Tribunal, in the month of January of each year, an abstract statement of robberies & other crimes committed in the preceding year, containing the particulars herein specified.

XXVIII. The Magistrates are to transmit to the Court of Superior Tribunal and Court of Circuit, in the month of January of each year, in the form prescribed in No. 7, of the Appendix to this Regulation, an abstract statement of the number of robberies and other crimes of a heinous nature ascertained by the Police officers, or otherwise, to have been committed within their respective jurisdictions in the preceding year, the number of persons known, or supposed, to have been concerned in the commission of such crimes, and the number apprehended and delivered over to the criminal Judge.

Process to be observed for apprehension and trial of Europeans not British subjects.

XXIX. All Europeans not British subjects shall be amenable to the authority of the Magistrates, the criminal Judges and Court of Circuit, within whose jurisdiction they may be apprehended, and brought to trial, in common with the natives of the country.

Misdemeanors which the Magistrates are authorized to try.

XXX. The Magistrates are empowered to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison in the Zilla jail, or village chowra, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him, but the fine is in no case to exceed the sum of fifty current rupees, unless the offender be a Zemindar, independent Talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand current rupees, or a proprietor of the land paying a quit revenue to Government exceeding five hundred current rupees per annum, or of lakheraj land, the annual produce of which may be above one thousand current rupees, in which cases, such offender shall be liable to a fine not exceeding two hundred current rupees. The Magistrate is to fix the amount of the fine under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

And the punishment which they are empowered to inflict for such offences.

Crimes, which the Magistrates are also authorized to try, under the restrictions herein specified.

XXXI. The Magistrates are authorized to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters; and to inflict upon the offenders, corporal punishment not exceeding eighteen rattans, or commit them to prison in the Zilla jail, or village chowra, as to them may seem proper, for a term not longer than one month, according as they may think proper upon a consideration of the case.

And the punishment which they are empowered to inflict for such Crimes.

Form of warrant referred to, to be addressed by Magistrates in certain cases to the keeper of the Zilla Jail.

XXXII. *First.*—In cases of a prisoner, punishable by the Magistrate under the two preceding sections, being sent to the Zillah

Zillah jail, the Magistrate shall forward, with the prisoner, a warrant in the form prescribed in No. 8, of the Appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

Warrant to be accompanied by a paper addressed to the Judge.

Second.—The warrant shall be accompanied by a paper, addressed to the criminal Judge, containing the name, the crime, or offence, and the period of confinement to which the prisoner may have been sentenced. The Judge shall return the paper by the Police officers who may come in charge of the prisoner, with an endorsement, attested by his official seal and signature, acknowledging the delivery of the prisoner.

The endorsement thereon required.

Punishments to be inflicted on the complainants in the cases herein specified, whose complaints are proved to be litigious vexatious, or groundless.

XXXIII. When the complaints, specified in sections XXX and XXXI of this Regulation, shall appear to the Magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in section XXXI.

In what cases bail for personal appearance shall not be required in the first instance.

XXXIV. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance, but may, at any time during the investigation of the charge, be called for by the Magistrate, if any circumstances should occur to render it necessary.

But may be required at any time during the investigation.

How an officer, entrusted with the serving of a summons, is to proceed.

The officer intrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house, or family, if such person be willing to receive the same, and to return an acknowledgment for the party.

In what cases the officer serving the summons shall be authorised to receive a Razeenamah, if acquiesced in by the defendant, as a sufficient return to the process entrusted to him.

The officer serving the summons

mons in such instances, shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint being withdrawn, to receive such razeenamah as a sufficient return to the process committed to him; but, excepting in the trivial cases noticed in this section, no razeenamah shall be received without the special sanction of the Magistrate.

Provided that, except in the trivial cases noticed, no Razeenamah shall be received without the sanction of the Magistrate.

XXXV. The Magistrates are not required, in the cases of petty offences specified in Section XXXI of this Regulation, to make their examinations matter of record, when the punishment they may order shall not exceed two days' imprisonment, or a fine of five rupees.

Magistrates not required to make examinations in certain cases matter of record.

XXXVI. The Magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension, to the date of their discharge, or delivery to the criminal Judge.

Magistrates to pay the customary diet money to prisoners.

XXXVII. *First.*—No fines, except in cases specified in the second clause of this section, shall be imposed by a Magistrate, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the Magistrate who may pass the sentence, shall, at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment, to be held as equivalent to the fine; at the expiration of which, the persons convicted shall be discharged, if they have not previously paid the fine. In cases in which the Magistrate shall impose fines, the imprisonment to be fixed by them as equivalent to the fines, shall not exceed the periods specified in Sections XXX and XXXI of this Regulation.

No fines to be imposed by Magistrates but to the use of Government; with a definite period of imprisonment, to be held as equivalent to the fines imposed.

Imprisonment not to exceed periods herein specified.

Second.—In case of injury to any complainant, when the fine may have been levied, it shall be lawful for the Magistrate to

Application of fine when levied in cases of injury to complainants.

to award the whole, or any portion of such fine, to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Magistrates to submit two Calendars to the Courts of Circuit.

What to contain.

XXXVIII. *First.*—The Magistrates shall cause to be delivered to the Court of Circuit, upon their arrival at the places of residence of the criminal Judges of their respective Zillas, a calendar, in the form prescribed in No. 9, of the appendix to this Regulation, containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar, in the form prescribed in No. 10, of the appendix to this Regulation, containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXV of this Regulation.

What papers and proceedings are to accompany these Calendars.

Directions to the Circuit Judge in certain cases.

Second.—These calendars are to be accompanied with all the original proceedings in each case, and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished, upon insufficient grounds, they are to transmit to the Magistrate such written orders on the case as may appear to them proper, to which he shall conform.

Courts of Circuit to report instances of neglect or misconduct on the part of Magistrates in the discharge of their duty.

Third.—The Courts of Circuit are to report to the Superior Tribunal, for the information and orders of Government, whenever the Magistrates omit, or refuse to obey their orders; as also whenever it shall appear to them that the Magistrates have been guilty of neglect or misconduct in the discharge of their duty.

Public officers in the pay of Government, charged with the serving of process, prohibited from de-

XXXIX. Every summons, or other criminal process, shall be served by a peon, or other Police officer, receiving wages

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from Government; and no diet money, or other allowance, or gratuity, shall be demanded or received from the complainant, or accused, whether the case be adjusted by razeenamah or otherwise; and the demand, or receipt, of such by any public officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the Magistrate, the criminal Judge of the Zilla, or Court of Circuit; the offender shall also be compellable, either by a criminal prosecution, or by a civil action, to refund the amount received, besides being liable to immediate dismission from office, under the provisions contained in the existing Regulations.

marding or receiving diet money from the parties.

XL. Magistrates are hereby empowered to remove Police officers from one station to another within their respective jurisdictions, without reference to any authority.

Magistrates empowered to remove Police officers from one station to another, at discretion.

XLI. The Zilla Magistrates and their Assistants are hereby declared amenable to the Zilla Court, in the jurisdiction of which they may reside, or carry on the public business committed to their charge, by a civil prosecution, for any act or acts done in their official capacity in opposition to any established Regulation.

Magistrates and their Assistants amenable to the Zilla Court for acts done in their official capacity.

XLII. The Judges of the Courts of Udawlut of the several Zillas shall hold the office of criminal Judge of the Zilla under their respective jurisdictions: previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the form prescribed in No. 10 of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it.

Judges of the Zilla Courts to be Criminal Judges in their respective jurisdictions.

XLIII. The Registers to the Zilla Courts shall be senior Assistants to the criminal Judges of the Zillas.

Registers to the Zilla Courts to be senior Assistants to the criminal Judges of the Zilla.

XLIV.

Assistants may, in certain cases, be employed judicially.

XLIV. The criminal Judges are authorized to employ their senior Assistants in the execution of such part of their prescribed duties, as, from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that, previous to any such Assistant entering upon the exercise of judicial authority, he shall take and subscribe before the Judge, an oath, according to the form prescribed in No. 11, of the Appendix to this Regulation.

Proviso.

Senior Assistants, having taken the prescribed oaths, may, in certain cases, act judicially.

XLV. *First.*—The senior Assistants to the criminal Judges, who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the Judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the Judges with whom they are stationed.

The provisions of Section V Regulation II 1802 declared applicable to the criminal Judges & their Assistants.

Second.—The provisions of Section V Regulation II 1802, with the exception of what relates to the preservation of the peace in the districts, are hereby declared applicable to the criminal Judges of the several Zillas, and their Assistants.

Special jurisdiction of the criminal Judges of the several Zillas.

And also, to exercise, as heretofore, the duties of Magistrate at the Sudur station.

XLVI. The special jurisdiction of the criminal Judges of the several Zillas, is to extend throughout the districts included in the Zillas in which they are respectively stationed; and they shall also continue to exercise the duties of Magistrate in the city, or town, and suburbs, the seat of the Zillah Court, and port or river which may belong thereto, under the rules and Regulations already in force; and also such parts of this Regulation for the guidance of the Zilla Magistrates, as is applicable.

Criminal Judges empowered, in certain cases, to pass sentence of imprisonment with corporal punishment.

XLVII. *First.*—The criminal Judges are hereby empowered, in all cases of conviction before them of a criminal offence committed in the Zillas, for which the penalties authorized by

Sections

Sections XXX and XXXI of this Regulation, or, if committed in the city, or town, and its suburbs, the seat in the Zilla Court, or port or river which may belong thereto, for which the penalties authorized by Sections VII and VIII Regulation III 1800 may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months' imprisonment with thirty rattans, or a fine of two hundred rupees, may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the Court of Circuit), to pass sentence of imprisonment, not exceeding six months, with corporal punishment not exceeding thirty rattans, in cases of theft, or, in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment under the sentence of a criminal Judge shall, in no instance, exceed one year.

And fine, under the limitations herein specified.

Second.—The powers vested in the criminal Judge by the preceding clause, shall not be exercised by the junior Assistants in the Police department, in the execution of any duties committed to them under the provision of Section VI Regulation II 1800. In the performance of such duties, the Assistants shall not exceed the powers vested in them by the Regulations heretofore in force; except that, in the case provided for by Section VII Regulation III 1800, whenever it may appear proper to impose the fine thereby authorized, in addition to fifteen days' imprisonment, both the stated fine and imprisonment may be adjudged; with an eventual commutation of the fine, if not paid, to further confinement for a period of fifteen days; making the entire term of imprisonment, if the fine be not paid, one month of thirty days. In like manner, charges of petty thefts, provided for by Section VIII Regulation III 1800, if

Powers vested in the junior Assistants to the criminal Judges, explained.

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it appear just and requisite, on consideration of the circumstances of the case, to sentence the offender to one month's imprisonment in addition to the stated corporal punishment of thirty rattans, or of any part thereof, both corporal punishment and imprisonment may be adjudged accordingly. In any case referred to the Assistant of a criminal Judge, under Section VI Regulation II 1800, wherein the offence proved against the prisoner, may appear to require a more severe punishment, than he is hereby authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the criminal Judge; who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him, under clause first of this section and the general Regulations in force, or, will commit, or hold him to bail for trial before the Court of Circuit, according to the nature and circumstances of the case.

In cases referred to a junior Assistant by a criminal Judge, should the powers above vested in him not be sufficient, he shall not pass sentence, but submit his proceedings to the criminal Judge for his decision.

Third.—Whenever a complaint, or charge, of a criminal nature, may be referred by a criminal Judge to his Assistant, for examination, under the provisions of Section VI Regulation II 1800, the order of reference shall be recorded on the Magistrate's proceedings, with instructions whether to submit the proceedings, held upon the examination, for the Judge's decision, or whether the determination upon the charge is to be passed by the junior Assistant; if it be such as he is authorized to determine under the Regulations. As far as the general duties of the criminal Judges may admit, they are directed to examine the proceedings held by their Assistants in such cases, and to pass judgment thereupon themselves; and in all instances, wherein the sentence may be passed by an Assistant, if the criminal Judge, on representation made to him without unnecessary delay, shall see cause to revise the proceedings held by the Assistant, and shall disapprove the judgment

Rules to be observed in referring cases to junior Assistants by the criminal Judge.

Proceedings held by junior Assistants to be examined by the criminal Judge.

And should he see cause, to be revised by him and new sentence passed therein.

ment given by the latter, he is authorized and required to annul the same, and to pass such further sentence, or order, as may appear just and conformable to the Regulations.

XLVIII. The criminal Judge of the Zilla shall not receive, or take cognizance of any criminal charge or information, except such as may be brought before him by a Magistrate, or some Police officer under his authority; save in cases of offences committed at the Sudur station which is under his own immediate superintendence in respect to all matters of Police: provided however, that this restriction shall not be considered applicable to cases in which an European British subject shall be a party.

Criminal Judges competent only to take cognizance of criminal charges brought before them by Magistrates, or their Police officers.

Except in cases of offences committed at the Sudur station.

Or where an European British subject shall be a party.

XLIX. *First.*—Upon a prisoner being brought before the criminal Judge, he shall enquire into the circumstances of the charge, and examine the prisoner and the complainant; and also such other persons as are stated to have any knowledge of the crime, or misdemeanor, alleged against the prisoner; and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require on oath); but the prisoner shall not be required to swear to the truth of his deposition: after this enquiry, if it shall appear to the Judge, that the crime, or misdemeanor, charged against the prisoner, was never committed, or that there is no evidence of his having been concerned in the committing of it, the Judge shall cause him to be forthwith discharged; recording his reasons for releasing him, and submitting them to the Court of Circuit with the calendar ordered to be prepared in Section LXIII of this Regulation.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

Prosecutor and witnesses to be examined on oath, or on a solemn declaration, & their depositions to be committed to writing.

Judge to discharge the prisoner if there shall not appear to him sufficient ground for commitment, recording his reasons for so doing.

Second.—If, on the contrary, it shall appear to the Judge, that

Judge to punish the prisoner, if the crime be committed, and punishable by him.

that the crime, or misdemeanor, was actually committed by the prisoner, and if it shall be punishable by the Judge under Section XLVII of this Regulation, he shall adjudge such punishment as he may deem proper.

Judge to commit the Prisoner, or to hold him to bail, if there shall appear to him sufficient ground for so doing.

Third.—If the crime, or misdemeanor, be not punishable by the Judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the Judge shall commit him to prison, or hold him to bail (according as the offence may be bailable or not), to take his trial at the next Session of the Court of Circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

All bail bonds and recognizances to be for specific sums; to be forfeited on non-performance of the conditions. Rule for determining the amount of such sums.

Fourth.—All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the Judge, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government, in the event of the condition of it not being performed.

Points to be attended to by the Judges in their enquiries into charges before them.

L. The criminal Judges are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed. When a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the Judges are to be careful, in cases referrible to the Court of Circuit, to have such confession, or confirmation of a former confession, witnessed by two creditable

ditable persons, not being servants of the Government, who may be present at the time it may be made, to give it validity; and to cause such witnesses to be in attendance at the next sessions of the Court of Circuit. All confessions made by prisoners shall be free and voluntary, & notwithstanding such confessions, the Judges are invariably to summon, and bind over to attend at the next sessions, the witnesses to the commission of the crime, or misdemeanor, alleged against the prisoner, that they may be examined before the Court of Circuit in the same manner as if the prisoner had denied the charge.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by the Regulations.

LI. In all cases of trial before the Court of Circuit, if the admission of bail have not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail, until sentence be passed upon the charge against him; moreover, in special instances, wherein the Court of Circuit, on report from the criminal Judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence not bailable, under the general provisions contained in the Regulations, that Court is declared competent to instruct the Judge to accept sufficient bail, instead of keeping the accused in confinement, whilst the charge against him is under trial. The Court of Circuit may likewise in all bailable cases, wherein the bail required by the Judge shall appear excessive, direct the Judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

Courts of Circuit in certain cases may direct the Judge to admit to bail persons accused of offences not bailable under the Regulations.

And may direct Judges, wherein excessive bail may have been required by them, to receive such bail as may by the Court of Circuit be deemed sufficient.

Form of bail bond of persons to be tried before the Court of Circuit.

LII. The bail to be taken under the preceding section, as well as in all cases of persons being held to bail for trial before the Court of Circuit, shall be according to the form prescribed in No. 12, of the Appendix to this Regulation.

LIII.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the Judge's proceedings, with specification of any witnesses named by him.

LIII. In all cases of a prisoner being committed, or held to bail, for trial before the Court of Circuit, the criminal Judge, who may order him to be so committed or held to bail, shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the Court of Circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations, and places of abode, to be taken down and recorded upon his proceedings, or, in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the Court of Circuit.

Any witnesses named before the arrival of the Court of Circuit to be summoned to attend that Court.

LIV. In the event of any person, whether committed or held to bail for trial before the Court of Circuit, at any time before the session of that Court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed, or held to bail, the criminal Judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Rules respecting examinations taken before the Judge.

LV. All examinations taken before the criminal Judge are to be written on separate papers, signed by the deponents, attested by the signature of the Judge, and arranged according to their respective dates.

Depositions to be taken and written in the language in which the deponents may desire. Papers to be accompanied by a Persian translation, in cases of commitment only.

LVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded; and the criminal Judges shall, in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the Persian language, which translation is to be compared with the original by the officers of the Court of Circuit.

Notice that the criminal Judges are to give of the time by which the Judges of Circuit expect to arrive at their stations.

LVII. The criminal Judges, upon receiving notice from the Judges of the Court of Circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the Court of Circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The Judges shall send a copy of this publication to the Magistrates of the Zillas, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective Zillas.

Judges to be careful to cause the witnesses on the part of persons committed, or held to bail, to take their trial, to be in attendance by the time of the arrival of the Courts of Circuit.

LVIII. The criminal Judges, previous to the arrival of the Court of Circuit at their respective stations, shall again ascertain from the persons committed, or held to bail, to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the Calendar of the prisoners committed, or held to bail, to take their trial, to be submitted by the Judges to the Courts of Circuit upon their arrival at their respective stations.

LIX. The criminal Judges are to have in readiness, to deliver to the Judges of the Court of Circuit upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the form prescribed in No. 13 of the Appendix to this Regulation.

Documents which are to accompany the Calendar.

LX. The calendar is to be accompanied with the criminal Judge's proceedings on each charge, which shall contain the following vouchers, or as many of them, as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents, as the Judge may have in his possession, or deem necessary to be obtained, for the information of the Court of Circuit.

1st. An attested copy of the complaint, or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

LXI. The following documents shall also be delivered, if required by the Judges of the Court of Circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the Magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the Magistrate, or by any Police officer under him.

Magistrates to furnish the Courts of Circuit with the original returns of the nazir respecting summonses to witnesses not in attendance; both nazir and person deputed to attend the Court of Circuit.

LXII. The list of witnesses shall further be accompanied with the original returns made to the criminal Judge by the Nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance, and the Nazir, and person so deputed on his part, shall be kept in attendance on the Court of Circuit to answer any interrogatories which that Court may have occasion to put to him, to the end that the Court of Circuit may be enabled to ascertain the real cause of the non-attendance of any witness, by their own enquiry, and to evince to the Court of Superior Tribunal, in cases referrible to that Court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

Two further Calendars herein specified to be submitted by the Judges to the Courts of Circuit.

LXIII. The criminal Judges are to lay before the Court of Circuit upon their arrival at their respective places of residence, two separate calendars: the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail, to take their trial for the crime or misdemeanor charged against them; and accompanied with their reasons for having released them, as prescribed in Section XLIX. of this Regulation; the second, comprising a list of the persons whom they may have punished for crimes, or misdemeanors, cognizable by them; the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them: these calendars shall be in the form prescribed in No. 9 and 10 of the appendix to this Regulation, and are to be accompanied with all the original papers and proceedings in each case; and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar,

What papers & proceedings are to accompany these Calendars.

The Judges of Circuit are authorized, whenever any case may appear not to have been

sufficiently investigated, to direct a further enquiry to be made by the Judge; and the result to be communicated to the Court of Circuit collectively, for their orders.

calendar, have been discharged, or the persons specified in the second calendar, punished, upon insufficient grounds, the Judges of those Courts are hereby authorized, whenever any case, so brought before them, may appear not to have been sufficiently investigated, and a further enquiry may be practicable and requisite for the ends of justice, to direct such additional enquiry to be made by the criminal Judges; and the result to be communicated to the Judges of the Court of Circuit collectively, for their orders on the case.

Two or more Judges of a Court of Circuit competent to call for the proceedings of a criminal Judge, or his Assistant, on occasion of petitions being presented to them relative to such proceedings; & to pass such orders thereupon as may be proper.

LXIV. Two or more Judges of a Court of Circuit, forming a Court at the Sudur station, are hereby declared competent, on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any criminal Judge, or of an Assistant to a Judge within their jurisdiction, to call upon the Judge for his proceedings, or those of his Assistant, on the case; and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

The Superior Tribunal competent to call for the proceedings of the Courts of Circuit, and of the criminal Judges, whenever requisite; and to pass such orders as may appear proper.

LXV. In like manner, the Court of Superior Tribunal are declared competent to call for the proceedings of any Court of Circuit, or of any criminal Judge, or Assistant to a Judge, whenever it may appear requisite; and to pass such orders thereupon as that Court may deem just and proper.

Judge to notify the commitment of proprietors of land to the Collector of the Zilla.

LXVI. If the criminal Judge shall commit any zemindar, independent talookdar, or other actual proprietor of land, to be tried before the Court of Circuit, he is to notify the commitment to the Collector of the Zilla, that, if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

The Zilla Jail placed under charge of the Judge.

LXVII. The jail of the Zilla shall be placed under the exclusive charge of the criminal Judge of the Zilla.

Judges, how often to visit the Jail to redress all well founded complaints.

LXVIII. The criminal Judge shall visit the jail, at least, once in every month, and redress all well founded complaints of ill-treatment, which may be preferred to him by the prisoners against the jailor, or any officer having charge of them: he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the Surgeon of the station attends and administers to the sick.

To attend to the health and cleanliness of the prisoners.

Description of prisoners ordered to be confined in separate apartments.

LXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement, by a criminal Judge, by the Court of Circuit, or the Superior Tribunal.

3d. Prisoners committed to take their trial before the Court of Circuit.

Further descriptions of prisoners to be confined in separate apartments.

4th. Prisoners sentenced to confinement by the Magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alledged against the second and third descriptions of prisoners must be of different degrees of atrocity, the criminal Judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of, or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other: and the rules prescribed in this Section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The Judges are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the jails.

Females to be kept separate from Male prisoners, in all cases.

Charges and the orders passed upon them by the Judge, to be recorded in the English and language of the district.

LXX. All complaints, or charges, with the orders upon them, are to be recorded in the office of the criminal Judge, in the English

English language and in that of the district in which the Court may be held.

Judges to pay the customary diet money to prisoners.

LXXI. The criminal Judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them, to the date of their discharge.

The Judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a month's subsistence, if they stand in need of it, but in no case to exceed five rupees.

LXXII. The criminal Judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be so paid to each individual, is to be regulated by his situation in life, but it is in no case to exceed five current rupees, and in every instance is to be confined as much within that amount, as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the Court of Circuit.

LXXIII. The criminal Judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each, during their attendance on the Court of Circuit, and the same allowance for as many days as, in their opinion, may be sufficient for such prosecutors and witnesses to come from, and return to their respective homes.

Amount of fines imposed, how to be disposed of.

LXXIV. The provisions of Section XXXVII of this Regulation, respecting the imposition and disposal of fines by the Magistrate, are hereby declared equally applicable to the office of criminal Judge.

Judge to transmit the Quarterly reports herein specified.

LXXV. The criminal Judges are to transmit to the Register of the Superior Tribunal quarterly reports, on the 1st of January, 1st of April, 1st of July and 1st of October, drawn out according to the forms prescribed in No. 15, 16, 17, 18 and 19 of the appendix to this Regulation, which shall contain

tain the several particulars therein specified. The reports for each quarter are to be despatched from the several stations, so as to arrive at Bombay by the twentieth of the first month of the ensuing quarter.

As also further reports after each jail delivery, as herein specified.

LXXVI. The criminal Judges are to transmit to the Register to the Superior Tribunal, within twenty days after the Judges of Circuit have finished the business of the Circuit or jail delivery at their respective stations, reports, according to the forms prescribed in No. 20 and 21 of the appendix to this Regulation, which shall contain the several particulars therein specified.

Judges to submit, in the month of January, an annual report to the Superior Tribunal, containing the particulars herein specified.

LXXVII. The criminal Judges are to transmit to the Superior Tribunal, in the month of January of each year, an annual report of all criminal cases depending before them, or their Assistants respectively, on the 31st of the preceding month of December, according to the form prescribed in No. 22 of the appendix to this Regulation, which shall contain the several particulars therein specified.

Judges may call for certain documents from the Zilla Magistrate.

LXXVIII. The criminal Judge may call for any documents required to be transmitted to him by the zilla Magistrates under Section XXIII of this Regulation, or by a Police officer under Section XXVI Regulation IV of 1818 which may not be so transmitted. And it is hereby declared, that nothing in the existing Regulation is intended to prohibit a full and free communication between the criminal Judge and the Magistrate, on all subjects connected with the discharge of their respective duties, in those capacities.

The provisions of certain Sections made applicable to the criminal Judge.

LXXIX. Such parts of Section II and III and IV of Regulation II 1802, Section VIII, clause seventh Section X, Sections XII, XIII, XIV, XXI and XXIII Regulation VIII 1812 Sections XI, XII, XIII and XIV, Regulation IX 1812,

as refer to the Magistrate, are hereby declared to be applicable to the criminal Judge only.

Criminal Judges & Zilla Magistrates to take the prescribed oath as justices of the Peace.

LXXX. The criminal Judges and Magistrates of the several Zillas, who have not already taken the prescribed oath of qualification to act as Justices of the peace of their respective districts, are required to do so within three months from this date; and all persons hereafter appointed to the station of criminal Judge or Magistrate, are required to take the said oath within three months from the date of their appointment.

APPENDIX.

N°. 1.

FORM of warrant for apprehension.

To

Whereas inhabitant of stands charged on the oath (or solemn declaration) of inhabitant of with the crime of

You are hereby directed to apprehend the said and produce him before the Magistrate of the said Zilla. In this fail not.

Dated the day of A. C. corresponding with

N°. 2.

FORM of warrant requiring bail or security.

Whereas inhabitant of stands charged on the oath (or solemn declaration) of inhabitant of with the crime of

You are hereby directed to apprehend the said and to require bail in the sum of rupees for his appearance before the Magistrate of the said Zilla, on or before the . You are further required to take security from the said for keeping the peace in sum of rupees; if the said shall not give the bail and security above

above stated, you are directed to bring him before the Magistrate of the said Zilla. Herein fail not. Dated this day of A. C. corresponding with

N°. 3.

FORM of bail bond for appearance before the Magistrate.

Whereas inhabitant of stands charged with and is required to appear before the Magistrate of the Zilla of on or before the to answer to such charge; I hereby bind myself to produce the said before the said Magistrate, on the date aforesaid, and to be answerable for his appearance, until a final order be passed by the Magistrate upon the said charge. In default whereof, I further bind myself to forfeit to Government the sum of rupees . In this I will not fail.

Dated this day of A. C. corresponding with

N°. 4.

FORM of security bond for keeping the peace.

Whereas inhabitant of stands charged with and has been called upon to give security to keep the peace, whilst such charge is under investigation; I hereby declare myself security of the said that he shall not commit any act that can occasion a breach of the peace whilst the said charge is under examination. In default whereof I further hereby bind myself to forfeit to Government the sum of rupees Dated this

FORM

APPENDIX.

N°. 5.

FORM of summons.

To Inhabitant of

Whereas a complaint has been preferred on oath (or solemn declaration) by inhabitant of charging you with the crime of you are hereby required to appear (in person or by vakeel) before the Magistrate of the Zilla of on or before the day of to answer to the said charge. Herein fail not

Dated the day of A. C. corresponding with

N°. 6.

FORM of summons when bail is required.

To Inhabitant of

Whereas a complaint has been preferred on oath (or solemn declaration) by inhabitant of charging you with you are hereby required to appear (in person or by vakeel) before the Magistrate of the Zilla of on or before the to answer to the said charge, you are further required to give bail in rupees for your appearance (in person or by vakeel) on the day aforesaid. Herein fail not.

Dated the day of A. C. corresponding with

APPENDIX.

N°. 7.

ABSTRACT statement of robberies and other crimes of a heinous nature, ascertained by the Police officers, or otherwise, to have been committed within the Zilla of in the year ; of the number of persons known or supposed to have been concerned in the commission of such crimes, and of the number apprehended and delivered over to the criminal Judge.

	Designation and number of Crimes.		Computed number of persons concerned.	Number apprehended and delivered over to the criminal Judge.
1	Robbery and murder,	10	100	50
2	Robbery without murder,	20	200	100
3	Affrays and violent assaults, attended with homicide, maiming, or wounding,	20	200	100
4	Murder,	5	20	10
5	Housebreaking,	20	40	20
6	Thefts of considerable amount, or attended with aggravating circumstances,	30	60	30
7	Receiving stolen goods,	20	20	20
8	Arson, when committed distinctly from other offences,	5	20	10
9	Rape,	2	2	2
10	Adultery,	4	4	4
11	Perjury,	10	10	10
12	Forgery.	5	5	5
	TOTAL,—	151	681	361

NOTE. Remarks to be subscribed on the encrease or decrease of any particular designation of crime, or the greater or less number of persons concerned or apprehended, or on any other circumstance which may call for observation.

N°. 8.

FORM of Warrant of Commitment.

TO THE KEEPER OF THE JAIL AT

Whereas A. B. having been convicted of (here specify the offence) was sentenced by me under this date, to be imprisoned for

for and during the space of days from the date hereof. Now you are hereby required to receive the said A. B. into your custody in the said jail; and there safely to keep him the said A. B. until the expiration of the said days from the date hereof; and then to release him.

Given under my hand and seal at in the Zilla of in the year of our Lord 181

N°. 9.

CALENDAR of Persons discharged by the Magistrate of the Zilla of

No.	*Names.*	*Offence.*	*Date of apprehension.*	*Date of release.*	*Reasons.*
1	Rameah.	Murder.	1st January.	10th Jan.	Want of evidence.
2	Venkatah.....	Highway robbery.	10th March.	15th Mar.	Charge groundless.

N°. 10.

CALENDAR of Persons punished by the Magistrate of the Zilla of

No.	*Names.*	*Offence.*	*Punishment.*	*Date.*
1	Ramah.	Assault.	6 Rupees fine.	5th December.
2	Mootoo.	Petty Theft.	12 Rattans....	"

FORM

APPENDIX.

N°. 11.

FORM of oath to be administered to the criminal Judges.

I A. B. appointed Judge of the Zilla of solemnly swear, that I will to the best of my ability preserve the peace of the Sudur station of the Zilla Court over which my authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward, or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do, or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

N°. 12.

FORM of oath to be administered to the Assistants to the criminal Judge.

I A. B. Assistant to the criminal Judge of the Zilla of solemnly swear, that I will to the best of my ability assist the said criminal Judge in preserving the peace of the Sudur station of the Zilla Court over which his authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fees, emolument, or reward whatever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the

Governor

Governor in Council do, or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been, or may be passed by the Governor in Council.

So help me God.

N°. 13.

FORM of bail bond.

Whereas inhabitant of stands charged with and has been admitted to bail by the criminal Judge of on condition of his appearance to stand his trial on the said charge before the Court of Circuit for the division of ; I hereby bind myself to produce the said before the said Court of Circuit at their next Session of the Zilla of on the date whereupon his appearance may be required either by a general proclamation, or by a special notice from the Judge; and to be answerable for his appearance before the Court of Circuit until a final sentence be passed upon the said charge: in default whereof, I further bind myself to forfeit to Government the sum of rupees . In this I will not fail.

Dated

APPENDIX.

N°. 14.

CALENDAR of the prisoners committed or held to bail by the criminal Judge of the Zilla of to take their trial before the Court of Circuit for the division of

No.	Names of the Parties.	Abstract of the charges & date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutors' witnesses.	Abstract of the examination, grounds & date of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.

N°. 15.

REPORT of persons apprehended in the Zilla of and delivered to the criminal Judge in the months of January February and March 18

No.	Names.	Abstract of the crime or charge.	Date of apprehension.	Punished, and in what manner.	Released, or if allowed a fine.	Committed, & the date of commitment.	Before what Court of Circuit to be tried.

Abstract

Punished..... ,,

Committed..... ,,

Total ,,

NOTE.

APPENDIX.

Note.—If before the close of the quarter, a greater number of persons charged with crimes may be brought before the criminal Judges than they are able to examine and proceed with, as prescribed, previous to the expiration of it, the Judges, in such cases, are to insert the names of persons in that predicament, in the above report of persons apprehended, in an additional column, under the head of "not examined."

N°. 16.

REPORT of casualties, and of prisoners released in the Zilla of in the months of January, February and March 181

No.	Name.	Crime.	Removal to what places and when.	Natural death and when.	Escaped and when.	Released and when.

REPORT

APPENDIX.

N°. 17.

REPORT of sentences of the Superior Tribunal received in the first quarter, ending the 31st of March 181

No.	Name.	Date of commitment.	Crime.	Date of reference.	Sentence.	Sentence when passed.	When enforced.

Abstract

Death..... „

Imprisonment for life.... „

Temporary imprisonment „

Stripes..... „

Released..... „

Total „

N°. 18.

REPORT of prisoners under the charge of the Judge, to be tried on the 31st of March 181

No.	Names.	Crime.	Date of commitment.	At large upon bail.	In Jail.

Abstract

In confinement..... „

At large upon bail..... „

Total „

REPORT

APPENDIX.

N°. 19.

REPORT of prisoners tried, and whose cases have been referred to the Superior Tribunal, and on whom the sentence of that Court has not been received.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	When referred.

Abstract

Referred in former quarters. . . . „

Referred in the present quarter „

Total „

31st MARCH .....

181

REPORT

APPENDIX.

N°. 20.

REPORT of prisoners on whom sentence has been passed by the Court of Circuit for the division of in the first Session of 181 *without reference to the Superior Tribunal.*

No.	Name.	Date of commitment.	Crime.	Date of the trial.	Sentence.	Sentence when passed.	When enforced.

Abstract

Punished with stripes.... ,,
Imprisoned..... ,,
Fined..... ,,
Released..... ,,

Total ,,

N°. 21.

REPORT of prisoners confined under sentence to the of

No.	Name.	Imprisonment for life.	Temporary imprisonment.	Date of commitment.	Sentence when passed.

Abstract

Imprisonment for life..... ,,
Temporary imprisonment ,,

Total ,,

REPORT

APPENDIX.

No. 22.

REPORT *of criminal cases depending before the criminal Judge of the Zilla of , and his Assistants, on the 31st of December* 18

No.	Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of charge.	Date of apprehension, or first appearance of the accused.	Explanations of considerable delay, or other remarks.

FINIS

A. D. 1818. REGULATION IV.

A REGULATION *for the Establishment of a general system of Police throughout the territories subject to the Government of Bombay:*—PASSED *by the Right Honorable the Governor in Council of Bombay on the* 10*th June* 1818, *corresponding with the* 6*th of Jest Sood, Sumbut or Vekramajet Era* 1874; *Salbahan* 1740; *and* 5*th Shaban* 1233 *of the Hijree.*

Preamble.

IT being expedient that a system of Police, founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Bombay, and that the powers and authorities of the several classes of persons to be entrusted with the performance of Police duties, should be defined; the Right Honorable the Governor in Council has been pleased to enact the following rules, to have effect from the 1st of August 1818 inclusive.

Present establishment of Foujdars and Tanahdars abolished.

II. The present establishments of Foujdars and Tanahdars, shall, from the first day of August 1818, be abolished; and the duties heretofore discharged by those persons, shall be performed by persons of the descriptions hereinafter mentioned.

The persons by whom police duties are hereafter to be discharged.

1st. Heads of villages, as described in Section III of this Regulation, aided by Tulaties or village Registers, Burtuneyas, Rownceas, and other village watchers.

2d. Koomashdars or native Collectors of districts, by whatever name designated, with the assistance of Goomashtas, Mehtas, and establishments of peons.

3d. Zumeendars.

4th. Umeens of Police.

5th. Kotewals, and their peons.

6th. Magistrates, and their assistants.

7th. Criminal Judges in charge of Police at the Sudur stations of the Zilla Court, and their assistants.

Heads of villages to be heads of Police in their villages.

III. *First.*—Heads of villages shall be heads of the Police of their respective villages.

Heads of villages described.

Second.—In villages where there may be more than one headman, coming under the denomination of Patels, Puteedars, or other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village: no person shall act as head of the village, who does not generally reside in it; where the head of the village is not resident, the person who rents, or manages the village under him, shall be considered as the head of the village.

In doubtful cases, heads of villages to be selected by the Collector.

Third.—Where, from the names of two or more persons being introduced into the same peeta, as heads of the village, or from any other cause, doubts may arise, as to whom the office of head of the village belongs, the Collector shall select one person, and give him a peeta to act as the head of the village.

Heads of villages to apprehend offenders, and to forward them to the Police office in the district.

IV. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes, or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks, and water channels; and, except in the trivial cases, wherein they are authorized

Exception.

ed by Section IX. of this Regulation to inflict punishment, they shall forward the persons, whom they may apprehend, together with the accusers and witnesses, to the Police Officer of the district.

Heads of villages not to receive confessions.

Second.—Heads of villages shall not receive from any person whom they may apprehend, any confession, either verbally or in writing, except in the trivial cases referred to in the preceding clause; nor shall they, on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty four hours.

Nor to detain any person in their custody longer than twenty four hours.

Heads of villages authorized to call upon the inhabitants generally for assistance.

V. In cases of emergency, the head of the village is authorized to call upon the inhabitants generally, to assist him in securing offenders: and all the inhabitants of the village are hereby required to cooperate with him, on such occasions; provided that no person who is prohibited by the rules of his cast, or profession, from performing such service, shall be compelled so to do.

Proviso.

Head of villages authorized to call on the heads of neighbouring villages for assistance.

VI. *If heads of* villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance: and all heads of villages are hereby required to afford the most prompt assistance, whenever they may be called upon by their neighbours so to do.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

VII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or suspicious persons having entered or taken refuge in each other's villages; and shall cooperate in all things for the apprehension of offenders, and the general security of the country.

VIII.

Heads of villages to report to the Police officers of the districts, the arrival of suspicious persons in their respective villages.

VIII. Heads of villages shall report to the Police officer of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

Heads of villages authorized to inflict punishment in certain cases.

IX. *First.*—In cases of a trivial nature, such as abusive language, and inconsiderable assaults or affrays, heads of villages shall have authority, on a verbal examination, either to dismiss the parties, or, if the offence charged shall be proved to have been committed by the persons accused of it, and shall appear deserving of punishment, to confine the offending parties in the village Chowra, for a time not exceeding twelve hours; or, if the offending parties shall be of any of the lower casts of the people, on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Limitation of punishment.

Heads of villages to report to the Police officer of the district all cases wherein they have inflicted punishment.

Second.—Heads of villages shall report to the Police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by the first clause of this Section; but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages, how to proceed on receiving information of stolen property.

X. *First.*—Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with, unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured and forwarded with the offender to the Police officer of the district. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

Heads of villages to apprehend and send to the Police officer all persons found selling property suspected to be stolen.

Second.—Heads of villages shall apprehend and send to the Police officer of the district, all persons who may be found selling property, which there may be reasonable ground to suspect

has

has been stolen, and of which such persons may not be able to give a satisfactory account.

Third.—Heads of villages shall also send to the Police officer, along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

To send also to the Police officer the persons acquainted with the circumstances of the case.

XI. Heads of villages shall take charge of all stray cattle, horses, sheep, and other strays of which the owners may not be known, and shall report each case to the Police officer of the district.

Heads of villages to take charge of all strays and to report each case to the Police officer of the district.

XII. *First*—The head of the village on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the village Register and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body, and its appearance when discovered; or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages how to proceed, on the discovery of dead bodies.

Second.—The head of the village on receiving information of the discovery, shall also, without delay, send notice of it to the Police officer of the district; and if the Police officer shall arrive at the spot in time to enquire into the circumstances under which the body may have been discovered, the enquiry shall be conducted under his superintendence.

Heads of villages to send notice of the discovery of dead bodies to the Police officer of the district.

Third.—If the Police officer should not appear to conduct the enquiry, the head of the village shall cause the village Register to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall

Heads of villages how to proceed, if the Police officer should not appear to conduct the enquiry.

shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation, and by the village Register, he shall forward it to the Police officer of the district, with the evidence he may have taken.

Heads of villages to apprehend and send to the Police officer of the district any person suspected of committing the murder.

Fourth.—If on the proceedings of the head of the village, there shall in any case appear ground for suspecting any person or persons, who may be within his jurisdiction, of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the Police officer of the district.

Registers of persons confined by heads of villages, to be kept by village Registers.

And transmitted monthly to the Police officer of the district.

XIII. Village Registers, shall keep registers according to the following form, of persons confined by the heads of villages under Section IX of this Regulation, and these registers shall be transmitted monthly by the heads of villages to the Police officers of their respective districts, to be forwarded to the Magistrate.

Register of persons punished in the village of
in the month of

Form of Register.

No.	*Name.*	*Offence.*	*Punishment.*	*Date.*
1	Jeewan Bhookun	Drunken Riot ..	Confinement in the Stocks for six hours.	1st
2	Lukhmeedas Peetanber ..	Abusive language	12 hours confinement	2d
3	Suyed Hoosein Suyed Jafur.	Assaulting a woman.	12 hours confinement	3d

Village watchers to perform Police duties.

XIV. Village watchers, by whatever local name distinguished, shall perform their customary police duties, under the immediate authority of the heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Not to make compensation for losses by theft.

Village watchers to be appointed to villages, where none exist.

XV. In villages, where the office of village watcher does not exist, and where it appears that the duty cannot be discharged

by

by any of the other village-servants, village watchers shall, when necessary, be appointed by the Magistrate, and shall, as far as possible, be selected from D'hers, B'heels and other casts best qualified for Police duties.

From what classes of persons to be selected.

XVI. *First.*—The office of village watcher, wherever it it may be found to exist, and wherever it may be hereafter created, under the provisions of the preceding Section, shall be hereditary.

The office of village watcher to be hereditary.

Second.—Upon the death of any village watcher, the head of the village shall report the same to the Police officer of his district, for the information of the Magistrate; and also the name of the person who may have succeeded by inheritance to the office.

Death of village watcher to be reported to the Police officer of the district.

And the name of the successor to the office.

XVII. Village watchers appointed under Section XV. of this Regulation, shall be entitled to receive such allowances in land, grain or money, as Government may allot for their maintenance; and the allowances thus made, shall be hereditary in their families.

Allowances made to village watchers appointed under Section XV. of this regulation.

XVIII. *First.*—No village watcher shall be deprived of his office, but by the sentence of the Magistrate, or of a superior judicial authority, and in such case, the heir of the person so deprived of his office, shall succeed to it.

Village watchers to be deprived of office only by sentence of the Magistrate or a superior authority.

Second.—In failure of heirs on the death, or dismissal of a village watcher, the Magistrate shall appoint a person to the office.

The magistrate to appoint to the office of village watcher on failure of heirs.

XIX. Village watchers shall be liable for neglect of duty to be suspended from the office by the Magistrate, for a period not exceeding six months.

Village watchers liable to be suspended for neglect of duty.

XX. Village watchers shall apprehend persons whom they may discover committing any criminal act, or breach of the peace,

Village watchers to apprehend and carry before the head of the village, persons

found or accused of committing offences.

peace, and carry them before the head of the village. They shall, likewise, apprehend and carry before the head of the village, all persons charged with committing offences, or breaches of the peace, and shall require the prosecutor to accompany them.

Village watchers to report suspisious persons to the village register & head of the village.

XXI. Village watchers shall report to the village Register, and the head of the village, all suspicious persons, either residing in, or passing through the village.

Village watchers to give information of all that concerns the peace and good order of the village.

XXII. Village watchers shall likewise report to the village Register, and head of the village, all information which they may obtain connected with the peace and good order of the village; and they shall, in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

Kotewals & their peons to be subject to the Koomashdar and head of the village.

XXIII. Kotewals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the Koomashdars and heads of the villages; & shall be directted by their orders in all Police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

Koomashdars or native collectors of districts to be, ex officio, heads of the Police of their respective districts.

XXIV. *First.*--Koomashdars, or native collectors of districts, by whatever name designated, shall, ex officio, be heads of the Police of their respective districts; they shall be charged with the maintenance of the peace; and they shall report to the Magistrate all acts which they may do, and all material information which they may receive, connected with their Police duties.

The revenue servants to perform Police as well as revenue duties.

Second.—The Gomashtas, Mehtas, and peons, who are, or may be employed under Koomashdars of districts, shall perform the duties of Police, as well as revenue duties; and they shall be considered officers of Police, as well as revenue servants.

XXV.

XXV. *First.*—Koomashdars shall render all possible assistance to the village Police, on or for the apprehension of offenders.

Koomashdars to assist the village Police.

Second.—They shall also send peons to markets, fairs, and other public meetings in their district, in order to preserve the peace.

Koomashdars to send peons to markets &c.

XXVI. *First.*—Upon a complaint being made to a Koomashdar, of any murder, robbery, house-breaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such enquiries as may be necessary to ascertain whether any credit be due to the accusation; and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused, or to whom suspicion may attach of having committed the offence.

How to proceed on information of heinous offences.

Second.—When the accused or suspected persons shall be brought before the Koomashdar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present; and if in the course of the enquiry it shall appear, that there are other persons who may be able to give evidence material to the case, he shall summon such persons, and take their depositions.

What evidence to be taken in these cases by Koomashdars.

Third.—The Koomashdar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession; and cause the same to be reduced to writing, and signed, or, if the prisoner should be unable to write, marked by the prisoner in the presence of two or more respectable persons, not being servants of the Government.

Koomashdars may receive confessions of prisoners.

Fourth.—So soon as the Koomashdar shall have finished the

Koomashdars to forward their proceedings to the cri-

minal Judge.

the investigation, which shall be completed within forty eight hours, if possible, he shall forward his proceedings, with the prisoner and witnesses, to the criminal Judge of the Zilla, with a report in the following form.

Report.

Report of the Koomashdar of respecting the prisoner charged with

Name of Prisoner.	*Crime.*	*Date of charge.*	*Date of apprehension.*	*Name of Prosecutor.*	*Name of witnesses.*	*List of depositions.*
Chundeea Rohva. ..	Murder.	1st Jan.	5th Jan.	Abdoola Qasim.	Ameer Moohummud, Rameshwar Gunnesh.	1st, deposition of Prisoner. 2d, of Prosecutor. 3d, of Ameer Moohummud. 4th, of Rameshwar Gunnesh.

Date Signature of the Koomashdar.

Note.—If a delay of more than forty eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

The Judge to certify on the back of the paper, the receipt of the prisoner and documents.

Fifth.—The criminal Judge shall, immediately on the receipt of such paper, certify on the back of it, whether or not the prisoner and documents have been received, and shall return it by the Police peon to the Koomashdar, and no other communication shall be necessary.

Koomashdar, how to proceed if a prisoner in his confession criminate another person.

XXVII. If a prisoner should, in his confession made before a Koomashdar, criminate another person, the Koomashdar shall secure such person; and provided the accusation be corroborated by any persons who may appear, or be brought by summons before the Koomashdar, he shall forward such accused person to the Criminal Judge, together with the witnesses and his proceedings in the case, as is directed in the preceding Section.

How the Koomashdar is to proceed, on persons charged with heinous offences be-

XXVIII. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded

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to the Koomashdar by heads of villages, the Koomashdar shall proceed as directed in the two foregoing Sections.

ing sent to him by Heads of villages.

XXIX. Any officer of Police, or other person, maltreating a prisoner, or witnesses, for the purpose of obtaining information, or confession, shall be subject to punishment by the Magistrate, according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the Criminal Judge, to be punished by him, or committed for trial before the Court of Circuit.

Officers of Police or others, maltreating a prisoner or witness, how punishable.

XXX. In cases of bailable offence or misdemeanor, which shall not appear to require the immediate apprehension of the party accused, the Koomashdar shall summon him in writing, and take his declaration, and, if necessary, the depositions of any witnesses to the truth of the charge; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the Magistrate; to whom he shall immediately report the case and transmit the depositions.

Koomashdars how to proceed in certain bailable cases.

XXXI. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Bail not to be required in trivial cases.

Exception.

Second.—If the charge, in such cases, shall appear groundless, or if the parties shall agree, in writing, the plaintiff to withdraw, and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the Koomashdar shall dismiss the complaint without making any report thereof to the Magistrate.

Koomashdar to dismiss trivial complaints in certain cases.

XXXII. *First.*—Where complaints of offences of a trivial nature, such as are specified in Section IX of this Regulation, may be preferred to a Koomashdar in the first instance, he shall

Koomashdar, how to proceed on complaint of offence specified in Section IX.

inquire

enquire into the same, and if the offence be proved, he shall have authority to punish the offender, by imposing on him a fine not exceeding one rupee, or by confining him in the chowra for a time not exceeding twenty four hours, or, if he shall be of any of the lower casts of people, by putting him in the stocks for a time not exceeding six hours.

To forward monthly registers of punishments to the Magistrate.

Second.—The Koomashdar shall keep registers of punishment, according to the form prescribed in Section XIII of this Regulation, to be forwarded monthly to the Magistrate.

Koomashdars to communicate to each other, information on subjects connected with the peace of their respective districts.

XXXIII. Koomashdars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall cooperate in all things for the apprehension of offenders, and the general security of the country.

Police officers to pursue offenders into any district or zilla.

XXXIV. *First.*—Koomashdars and the officers acting under them, shall have authority to pursue offenders into whatever district or Zilla they may fly, and to require the officers of Police in such district or Zilla, and, if necessary, the inhabitants in general, to assist them in securing the offenders; and such Police officers and inhabitants shall immediately afford the required assistance. Koomashdars and other Police officers apprehending persons within a different Zilla from that to which they belong, on a warrant from a Magistrate, or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the Magistrate of the Zilla in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the Magistrate of another Zilla, and the Magistrate of the Zilla in which they may be apprehended shall be satisfied of the identity of such persons,

Magistrates how to proceed on the offences being brought before him on a warrant.

with

with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the Police officers to convey the offenders from the Zilla in which they may be apprehended, to the Magistrate in whose jurisdiction the offence may have been committed. But if the persons apprehended, and brought before such Magistrate, shall appear not be those intended by the warrant, he shall forthwith cause them to be released.

Magistrate, how to proceed on offenders being brought before him, without a warrant.

Second.—If the parties shall be apprehended without a warrant or information given to the Police officers, or on hue and cry, the Magistrate within whose jurisdiction they may be apprehended, shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the Magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them, with a letter, to such Magistrate; but if the Magistrate shall be satisfied, that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Koomashdars, in all possible cases, to proceed to the spot where a murdered body may be found.

XXXV. The Koomashdar in all cases of murder within his district, shall himself, if possible, proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Koomashdars, how to proceed on receiving information of stolen property.

XXXVI. Where Koomashdars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with, unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured

and

and forwarded with the offender to the Magistrate. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

When there may be no Koomashdar, the Magistrate empowered to intrust the same authority to other revenue servants.

XXXVII. In districts where, from the land rent being paid directly to the Collector, there may be no Koomashdars, the Magistrates shall grant to the most respectable native revenue servant employed in the collection of the customs, or other dues of Government, the same Police authority as is vested in Koomashdars. But in the ancient zemindaries whose revenues have always been under the exclusive management of the Zemindars themselves, the Magistrate shall not establish any Police officer, except in such places as Fuojdars may have already been established, without the previous sanction of the Governor in Council.

No Police officer to be established in certain Zemindaries without the sanction of Government.

Exception.

Magistrates in certain cases to vest Zemindars with police authority.

XXXVIII. Magistrates are authorized to grant, upon their own responsibility, to Zemindars who may be desirous of acting as heads of Police, and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The Magistrate shall prescribe to the Zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in Koomashdars, as they may deem proper.

Umeens of Police to be appointed in large towns.

XXXIX. In large towns where it may be found that the Police duties cannot be conducted by the head inhabitant, the Magistrate shall appoint a person to act as Umeen of Police, either immediately under his own orders, or under the Koomashdars of the district; and either with the Police powers vested in heads of villages, or with those vested in Koomashdars by this Regulation, as may appear expedient.

Assistant Collectors to be charged with police duties in certain towns.

XL. In towns where, from the resort of Europeans, the employment of a native as Umeen of Police may be found insufficient,

sufficient, an Assistant Magistrate shall be stationed, and shall, within his jurisdiction, have the same Police authority as is granted to the Magistrate by this Regulation, or such part of it as may be deemed expedient by the Magistrate.

Limitation of time for the admission by police officers of petty complaints. Such complaints may be received by the Magistrate at all times.

XLI. No Police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties however, to prefer complaints of such petty offences to the Magistrate, at any time; and if the delay shall be shewn to have been unavoidable, the Magistrate shall have authority to receive and investigate such complaints.

Persons tendering property for sale, or pawn, under suspicious circumstances, to be arrested.

XLII. All persons are authorized and directed to secure strangers, or suspicious persons, who may be found offering property for sale, or in pawn, at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them, with the least possible delay, before the Police officer of the jurisdiction in which the offence may be committed.

Police officers liable to prosecution for abuse of authority.

XLIII. *First.*—For extortion, oppression, or other abuse of authority, Koomashdars, Zemindars, Umeens of Police, Heads of villages and all Police officers, may be prosecuted by the injured party; either criminally before the Magistrate, or for damages in the Zilla Court, provided the charge or complaint shall be preferred within three months from the date of the act complained of.

Proviso.

Magistrate empowered to punish Police officers for abuse of authority.

Second.—If the charge shall be preferred to the Magistrate, and proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender, by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month.

Punishment for vexatious prosecution for abuse of authority.

XLIV. Persons preferring complaints, or charges, under the preceding Section, which shall on investigation prove to be false, frivolous or vexatious, shall be punishable by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month, to be adjudged by the Court by which the complaint or charge may have been tried.

Police officers not to take cognizance of cases of fornication & adultery.

XLV. Koomashdars and other Police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Magistrates charged with the maintenance of the peace of their district. Exception.

XLVI. The Magistrates shall be charged with the maintenance of the peace within their respective Zillas; provided, however, they shall have no jurisdiction within the city, or town, and suburbs, the seat of the Zilla Court, or port or river belonging thereto: and whenever their establishments may be insufficient to resist banditti, or other disturbers of the public peace, they shall apply for assistance to the nearest military station, in the manner prescribed by the Regulations in force.

Police peons to be considered revenue servants as well as officers of police.

XLVII. The Police establishment which may be transferred to the Collectors as Magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in Police and Revenue duties, as occasions may require.

Manufacturers of fire arms to take out licences from the Magistrates.

XLVIII. The Magistrates shall require all manufacturers of fire-arms and offensive weapons, to take out licenses from their offices within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without license, shall be liable to be punished by the Magistrate, by a fine not exceeding fifty rupees. But nothing in this Section shall be construed

to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

Magistrates to communicate to each other information on subjects connected with the peace of their zillas.

XLIX. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts; and shall cooperate in all things for the apprehension of offenders, and the general security of the country.

Magistrate and officers under him, to prevent forcible occupation and seizure of lands or crops.

L. *First.*—The Magistrate, and under his orders the Koomashdars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

On riotous assemblages about ploughing lands not in the occupation of any one, to determine who shall plough them till the dispute be settled.

Second.—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands, which may not be in the possession, or occupation of any person, the Magistrate, and under his orders the Koomashdars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated, while the trial, which the parties may seek, is depending; but in all the cases specified in this section, the parties shall be at liberty to seek redress from any competent jurisdiction.

The same provisions applicable to the forcible occupation or diversion of water for cultivation.

Third.—The provisions of the two preceding clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

Strays, how to be disposed of.

LI. The strays referred to in Section XI of this Regulation, of which the owner cannot be found, shall, after the expiration of three months, be sold by public auction, by order of the Magistrate; & if, within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting

ducting the expenses incurred, shall be carried to the credit of Government.

Magistrates to determine the rate of hire to be paid by travellers to palankeen bearers &c.

LII. Magistrates are authorized to determine the rates of hire to be paid, in their respective districts, by travellers to Palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rates so determined shall be made public by a table authenticated by the signature of the Magistrate, copies of which shall be kept by the Police officers at the several stations in the district, for reference: provided, however, that the resident inhabitants, in their ordinary transactions, shall not be bound to abide by the rates specified in the table authenticated as aforesaid.

Proviso.

Magistrates may receive complaints of frauds committed in using false weights & measures.

LIII. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in Section XXX Regulation III A. D. 1818.

Criminal Judges charged with the maintenance of the peace at the sudur station.

LIV. The Criminal Judges shall be charged with the maintenance of the peace in the city, or towns and suburbs in which the Zilla Court may be situated, as well as in the port and river which may belong thereto, under the rules and Regulations already in force for the guidance of Magistrates, as well as such parts of this Regulation as may be applicable to them.

Criminal Judges and zilla Magistrates to communicate to each other information on subjects connected with the peace of their jurisdiction.

LV. Criminal Judges and Zilla Magistrates shall reciprocally communicate any information, which they may receive, of offences, gangs of robbers, or suspicious persons having entered or taken refuge within each other's jurisdiction; and shall cooperate in all things for the apprehension of offenders, and the general security of the country.

Claims on villages on account of stolen property, if denied, are

LVI. In all cases where the custom of the country war-

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rants a claim for the restoration of stolen property, or its value, from a village, into the boundaries of which the footsteps of thieves may have been traced through the means of Pugees, or in any other case, the claimants, in case of restitution being denied by the village, shall be at liberty to institute their suit for the recovery of the amount, in the civil Courts of Judicature.

to be sued for in the civil Courts.

LVII. Koomashdars, and Umeens of Police shall, in addition to their salaries, be entitled to receive from the owners, ten per cent. on the value of all stolen property recovered through their exertions.

Koomashdars &c. to receive ten per cent on all stolen property recovered through their means.

LVIII. No order shall be issued to any Police officer, excepting by the Magistrate of the Zilla, or his assistants.

No Order to be issued to any Police officer except by the Magistrate or his assistants.

LIX. The Magistrates and Criminal Judges shall correspond direct with Government in matters of Police, whenever they may deem it necessary.

Magistrates and Criminal Judges to correspond direct with Government, when necessary.

A. D. 1818. REGULATION V.

A REGULATION *for receiving and transmitting appeals from the Courts of Sudder Adawlut to His Most Excellent Majesty and His Most Honorable Privy Council.*—PASSED *by the Right Honorable the Governor in Council, on the 2d September* 1818, *corresponding with the 2d Bhadrapud sood Sumbut or Vikramajet Era* 1874; *Salbahan* 1740; *and the* 30*th Shaval* 1233 *Hijree.*

Preamble.

WHEREAS in the year of our Lord 1812, Regulation IV was passed by the Right Hon'ble the Governor in Council, entitled 'A Regulation respecting appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and His Most Excellent Privy Council'; and WHEREAS in the year 1813, Regulation II was passed, whereby the said Regulation IV 1812, and sections XXXI, XXXII, XXXIII, XXXIV, XXXV and XXXVI of Regulation VII 1812, were improvidently rescinded; and WHEREAS it is necessary to establish rules for regulating appeals from the Court of Sudder Adawlut of Bombay to His Majesty in Council, the following rules are hereby established:

Petitions of appeals against decision of the Sudder Adawlut to the King in Council to be presented within six months from the date of the judgment appealed against.

II. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council, are required to present their petition of appeal to that Court within six calendar months from the date on which the judgment appealed against may have been passed; under which provision,

sion, the Court of Sudder Adawlut are to admit the appeal, and proceed upon it as directed in the following section of this Regulation, under the several restrictions therein prescribed.

The Sudder Adawlut on admitting appeals, to cause two complete copies to be prepared of all the proceedings in the case for transmission to the King in Council through Government.

III. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same, as soon as prepared, under their official seal and the signature of their Register, to the Governor in Council, for the purpose of being forwarded, by the first secure and separate conveyances, to His Majesty in Council.

The Register to furnish the parties with copies of the proceedings applied for, on their paying the expence incurred thereby.

The Register to the Sudder Adawlut shall also, on the application of the appellant, or respondent, furnish him or them with one or more copies of the proceedings held and judgments or orders passed in the case appealed; provided they respectively agree to defray such expense as may be incurred thereby, but not otherwise; and the Register is not to deliver such copies when prepared, without the previous payment of such expense; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on that account will be made in the first instance.

Copies or extracts of local Regulations referred to in the case to be annexed to the copies of the proceedings.

IV. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations, enacted by the Governor in Council; or in case any such Regulation shall have been referred to in the judgments passed by any of the Courts, wherein the cause appealed from may have been tried and decided; copy of such Regulation or Regulations, or an extract therefrom containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceeding

ceding section, whether for delivery to the parties, or for transmission to His Majesty in Council.

The Sudder Adawlut may order their decree to be executed, taking security from the party, in whose favor it is passed, to abide by the appeal:

V. In cases of appeal to His Majesty in Council, the Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed, for the due performance of such order or decree as His Majesty, his heirs or successors, shall think fit to make on the appeal; or suspend the execution of their judgment during the appeal, taking the like security in the latter case, from the party left in possession of the property adjudged against him: but in all cases, security is to be given by appellants to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said Court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively; that they may take measures, the one to prosecute, the other to defend the cause in appeal before His Majesty in Privy Council, according to the established mode of proceeding in similar cases.

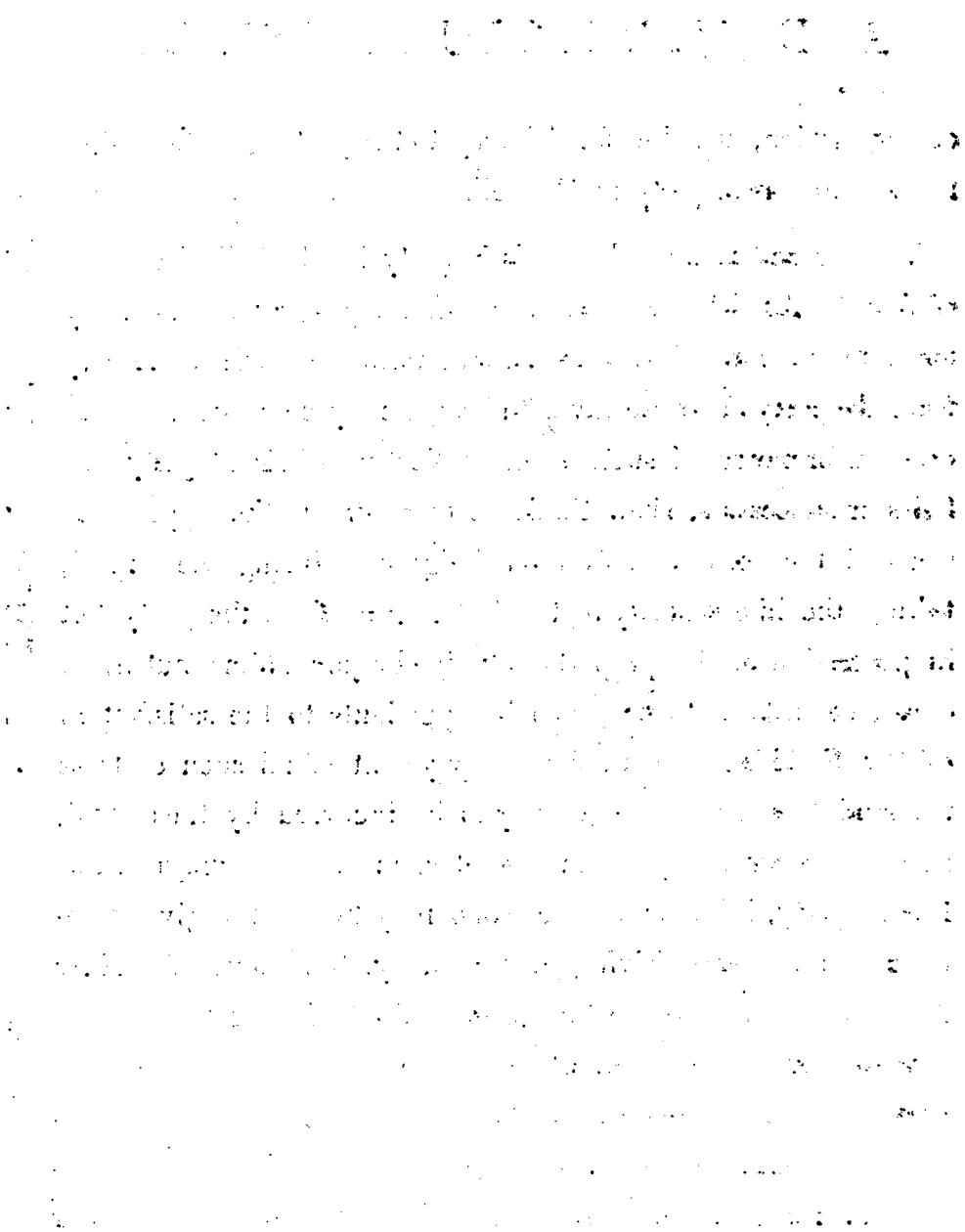
Or suspend execution during the appeal, taking security from the party in possession of the contested property.

Appellants to give security for costs.

The Sudder Adawlut to admit the appeal on receiving the prescribed securities.

Nothing in this Regulation to bar the exercise of His M's. pleasure in rejecting or admitting such appeals as he may think proper.

VI. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of His Majesty's pleasure upon all appeals to him from the decisions of the Sudder Adawlut; either in rejecting any He may consider inadmissible, or in receiving any He may judge admissible; notwithstanding the provisions made in the Regulation, which has reference to the local jurisdiction only; and particularly to that of the Sudder Adawlut, as a necessary rule for their guidance subject, in the whole of its provisions, to the ultimate determination of His Majesty in Council.



A. D. 1818. REGULATION VI.

A REGULATION *for carrying on the trade between the British possessions in India and the countries and states in amity with His Majesty.*—PASSED *by the Court of Directors of the United Company of Merchants of England trading to the East Indies, this 31st day of December* 1817.

Preamble.

WHEREAS by an act passed in the 37th year of the reign of his present Majesty, entitled "An act for regulating the trade to be carried on with the British possessions in India by the ships of nations in amity with His Majesty", it was enacted, that from and after the passing of that act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East Indies, and during the term for which the possession of the British territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states in amity with His Majesty, to import into, and export from the British possessions in India, such goods and commodities as they should be permitted to import into, and export from the said possessions by the Directors of the said Company; who were thereby directed to frame such regulations for carrying

on

on the trade to and from the said possessions, and the countries and states in amity with His Majesty, as should seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire; and that no ship or vessel belonging to any of the subjects of states or countries in amity with His Majesty, should be liable to seizure, confiscation or forfeiture, or other penalty, for exporting from, or importing into the said British possessions in India, any goods or commodities the importation or exportation of which should respectively be permitted by the said regulations, any thing in a certain act, of the twelfth year of the reign of King Charles the second, therein recited, to the contrary notwithstanding; provided always, that it should not be lawful for the Directors of the said United Company to frame any regulations for the conduct of the said trade, which should be inconsistent with any treaty or treaties which should have been, or might be, entered into by His Majesty, his heirs and successors, and any country or state at amity with His Majesty, or which might be inconsistent with any act or acts of Parliament which had been passed for the regulation of the trade and commerce of the said British territories in India: and WHEREAS by another act passed in the 53rd year of the reign of his present Majesty, intituled "An act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.", all the enactments, provisions, matters and things contained in any act or acts whatsoever which was limited, or might be construed to be limited, to continue for and during

the

the term granted to the said Company by a certain act of the Parliament of Great Britain of the 33d year of his present Majesty therein recited, so far as the same, or any of them, were in force and not repealed by, or regugnant to the said act of the 53d year of his said present Majesty, should continue and be in force during the further term thereby granted to the said Company; subject to such alterations therein as might be made by any of the enactments, provisions, matters and things in that act contained—

The Court of Directors of the United Company of Merchants of England trading to the East Indies, in virtue of the powers granted to them by the aforesaid acts, have framed the following Regulation for carrying on the trade to and from the British possessions in India and the countries and states in amity with His Majesty.

Rules under which ships belonging to Foreign European nations having a settlement of their own in India, and being in amity with His Majesty, are allowed to trade with the British ports in India.

II. Foreign European ships, belonging to any nation having a settlement of its own in the East Indies and being in amity with His Majesty, may freely enter the British sea ports and harbours in that country, whether they come directly from their own country or from any of the ports and places in the East Indies; they shall be hospitably received and shall have liberty of trade there in imports and exports conformably to the regulations established in such places: provided that it shall not be lawful for the said ships in time of war between the British government and any state or power whatever, to export from the said British territories without the special permission of the British government, any military or naval stores, saltpetre, or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong.

III.

Also in respect to ships of foreign European nations having no establishment in the East Indies.

III. *First.* Foreign European ships belonging to countries having no establishment in the East Indies, may (when those countries and states respectively are in amity with His Majesty) freely enter the ports of the principal British settlements in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales Island, only. They shall be hospitably received there, and have free liberty to trade in imports and exports conformably to the regulations of the place: provided that it shall not be lawful for the said ships in time of war between the British government and any state or power whatever, to export from the said British territories without the special permission of the British government, any military or naval stores, saltpetre, or grain: and provided also that the said ships proceed from their own ports direct to the said principal British settlements, without touching at any port or place whatever in the voyage out, except from necessity and merely to procure refreshments, or repairs in case of distress or accidents in the course of such voyage; the burthen of the proof of which necessity to rest on the parties.

Second. The vessels of the said European powers last aforesaid, shall not carry any of the articles exported by them from the said British territories, to any port or place except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes, or part thereof, from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade.

Third. The said vessels shall not be allowed to proceed, either with or without return cargo, from the said British territories to the settlements or factories of any foreign European

nation

nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta for trade, refreshment, or repairs.

Fourth. In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessel belongs, and to no other whatever.

IV. The trade between the British possessions in India and the United States of America shall be regulated by the convention of commerce between Great Britain and the United States of America, signed at London the 3d July 1815.

The trade between the British possessions and the United States of America to be regulated by the convention of commerce dated the 3d July 1815.

A. D. 1818. REGULATION VII.

REGULATION *for encreasing the tax called market fees, levied on shops and stalls within the town and island of BOMBAY, beating the battakee, and using or employing country musick within the same; and for levying a tax on the erection of wedding sheds, or other places of temporary amusement, in any of the streets or roads of the said town and island: made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, with the approbation of the Board of Commissioners for the affairs of India, and* PASSED *by the Governor in Council on the 16th of September* 1818, *corresponding with the 2d Bhadrapud Sood Sumbut or Vekramajet Era* 1874, *Salbahan* 1740; *and 14th Zilkaad* 1233 *Hijree.*

Preamble.

WHEREAS it has been found necessary, for the support of the funds for defraying the expenses of the police establishment for the town and island of Bombay, and for the improvement of roads, drains, markets & other public works of the said town and island, to revise and augment the tax commonly called market fees on shops, stalls, the battakee and country musick; and to levy a tax on the erection of wedding sheds, or other places of temporary amusement, on any of the streets or roads

of

of the said town or island: the following Regulation has been passed accordingly by the Right Honorable the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and approbation of the Board of Commissioners for the affairs of India.

The Collector of Bombay to make and collect a quarterly assessment on all shops and stalls within the island, according to specified rates.

II. The Collector of Bombay shall make a quarterly assesment on each and every shop and stall within the town and island of Bombay, and shall collect the same quarterly at the rates enumerated in schedules A. and B. annexed to this Regulation.

The Magistrates of Police to grant licences for the erection of wedding sheds or other places of temporary amusement.

III. All persons desirous of erecting wedding sheds, or other places of temporary amusement, in the public streets or roads, shall apply for licence to erect the same to either of the Magistrates of police; who are hereby authorized and required to grant such licence, unless they see good cause for refusing the same, and to direct the Engineer officer attached to the Court of Petty Sessions to measure off and mark out the space of ground required, or so much of the same as they, or either of them, may think proper: and on the said space of ground being so marked out and measured, the said engineer officer is hereby required to deliver a certificate of the space, so marked out and measured, to the party obtaining the said licence, and a duplicate of the same to the Collector of Bombay. And the said Collector is hereby authorized and required to make an assessment upon each and every person enclosing such space so marked out as aforesaid, at the rate of 5 rupees a night for every space not exceeding 10 square yards so taken in and enclosed; and for every such space exceeding ten square yards, at the rate of one rupee a night for every square yard so enclosed.

The ground so occupied to be measured by the Engineer officer attached to the Court of Petty Sessions, who is to furnish a certificate of measurement to the party licenced and to the Collector.

Rates of assessment to be levied by the Collector.

Persons enclosing any part of the public streets without a licence, liable to a penalty.

IV. Any person presuming to enclose any part of the public streets or roads, for the purpose of erecting a wedding shed, or

other

other place of temporary amusement, without having previously obtained such licence as aforesaid from one of the Magistrates of police, and such certificate as aforesaid from the said Engineer officer, shall be liable to the penalty of 5 rupees a night for every square yard so enclosed; and any person taking in or inclosing a greater space of ground than what was marked out and measured off by the said Engineer officer, and included in such certificate as aforesaid, shall be surcharged for the same at the rate of 5 rupees a night for every square yard so inclosed, which shall not have been so marked out and measured and included in such certificate.

Persons exceeding the limits marked out by the Engineer officer, to be surcharged for the same.

V. All persons desirous to use or employ country musick in the celebration of any wedding, or other ceremony or entertainment, shall apply for a licence in writing to use or employ the same, to either of the Magistrates of police; who are hereby authorized and required to grant such licence, unless they see good reason for refusing the same. Such licence to contain the number of days for which it may be granted. And all persons using or employing such musick, shall be assessed at the rate of one rupee a day for the same: and any person using or employing such musick without a licence, or for any period exceeding the number of days for which such licence may be granted, shall be liable to a fine of 5 rupees a day for every day that such musick shall be used or employed without a licence.

The Police Magistrates to grant licences for country music.

Nature of this licence and rate of assessment.

Persons employing country music without a licence liable to a fine.

VI. All persons desirous of giving public notice by beat of battakee of the sale of any house, building, land or other immoveable property, or of the sale of any goods or chattels, or of publicly offering a reward, or giving any other kind of lawful public notice by the same, shall apply to either of the Magistrates of police to authorize the publishing such notice by beat of battakee; and on obtaining such permission shall pay to the

All notices by beat of battakee to be previously sanctioned by the Magistrates.

Collector

Collector the following fees for every such notice respectively, previously to the same being so given.

Rates of fees to be levied on each notice.

	rs.	qr.	rs.	
For giving public notice, by beat of battakee, of the sale of any house, land or other tenement, at the rate of	2	2	0	For each notice.
For ditto, ditto of any goods or chattels, do.	1	0	0	
For ditto, ditto of any reward that may be legally offered, or for any other public notice, do.	0	1	0	

The fees, surcharges, or penalties, to be levied by a warrant of distress in case of non-payment within eight days after the demand.

VII. In case of non payment of any of the aforesaid assessments, fees, surcharges, fines or penalties, within eight days after the demand of the same, the Collector of the revenues of Bombay is hereby authorized and required, to levy the same by warrant under his hand and seal by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expenses of distress and sale, shall be rendered to the owner.

Persons aggrieved by any assessment, surcharge or fine, to appeal to the Court of Petty Sessions.

VIII. Any person who shall feel himself aggrieved by any assessment, surcharge, fine or penalty, demanded by the Collector in pursuance of this Regulation, is at liberty to appeal to the Court of Petty Sessions within eight days after such demand; and

Power vested in the Court.

the said court are hereby authorized and required to affirm, or reduce, such assessment, surcharge, fine or penalty, according as they may think just and equitable; and if no such appeal be made within eight days after the said demand, the Collector is hereby authorized and required to levy the same by distress as aforesaid.

Purposes to which the fees are to be applied.

IX. And it is hereby further ordained that the whole of the said fees so to be levied and paid as herein before provided, shall be, in the first instance, applied to the maintenance of the Police

and

and of the public markets; and secondly, in the draining and improvement of the island of Bombay, under the inspection and subject to the controul of the Court of Petty Sessions as aforesaid: provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money under this Regulation, beyond the established charges for the levy of the same, without the previous sanction of the Governor in Council.

X. This Regulation is to have effect from the 1st of November 1818.

Date from which the regulation is to have effect.

SCHEDULE, A, of the rates at which Shops and Stalls within the Bombay division of the town and island of Bombay, shall be assessed according to Regulation.

DESCRIPTION OF SHOPS OR STALLS.	Rates to be paid per quarter. Rs. q. rs.
Attaris or perfumers,	1 2 00
Aullers,	„ 1 20
Bakers,	„ 3 80
Bangle sellers,	1 2 00
Bhutiars, or country eating houses,	„ 3 00
Billetwood sellers,	„ 1 20
Brickmakers,	„ 3 00
Carpenters,	„ 3 00
Cattle butcher, (Slaughterers)	1 2 00
Cattle butcher, (Sellers)	1 0 00
Copper smith,	1 0 00
Cotton seller,	„ 1 20
Chowkesey, or repairers of jewels,	1 1 00
Chunam seller,	1 0 00
China-ware shopkeepers,	1 2 00

Cooley,

Cooley, ...	„ 0 46
Cloth shop, ...	1 0 00
Dyers, ...	1 0 00
Earthen-pot-makers, ...	„ 0 48
Europe shop (including the shops of Natives, wholesale purchasers of European investments), ...	5 0 00
Forell sellers, ...	„ 1 20
Fuddia, or grain retailers, ...	1 0 00
Goat butcher, ...	„ 3 84
Goldsmith, ...	2 0 00
Ironsmith, ...	„ 1 20
Leather merchant, ...	„ 1 20
Liquor seller, ...	„ 0 96
Mat maker, ...	„ 1 20
Milk seller, ...	„ 0 60
Mutton butcher, ...	„ 3 84
Oil maker, ...	1 0 00
Pearl and coral seller, ...	2 0 00
Pice shopkeeper, ...	6 0 00
Polisher, ...	„ 1 20
Rattaner, ...	„ 1 20
Rice seller, ...	„ 0 96
Ruffooger, or repairers of shawls &c., ...	„ 1 20
Seed shop, ...	1 1 00
Sweetmeat makers, ...	1 0 00
Shoemaker, ...	„ 1 20
Straw sellers, ...	1 2 00
Taylors, ...	1 0 00
Toddy seller, ...	„ 0 60
Turners, ...	1 0 00
Wooden warehouse, 1st class, ...	1 2 00
Wooden warehouse, 2d class, ...	„ 3 00

A. D. 1818. REGULATION VII.

SCHEDULE, B, of the rates at which Shops and Stalls within the Mahim division of the town and island of Bombay, shall be assessed according to Regulation.

DESCRIPTION OF SHOPS OR STALLS.	Rates to be paid per quarter. Rs. q. rs.
Aullers,	„ 1 16
Bangle seller,	1 0 00
Billet wood warehouse,	„ 3 00
Bhundarys,	„ 0 84
Choochia, or bhussary,	„ 0 84
Chunam kilns,	1 2 00
Cloth seller,	1 0 00
Copper-smith,	1 0 00
Fish sellers,	„ 0 60
Goldsmith,	2 0 00
Hoondia, or teria,	1 0 00
Ironsmith,	„ 1 20
Mat makers,	„ 0 52
Milk seller,	„ 0 84
Painters,	„ 1 16
Parah chopping,	„ 0 60
Pot makers,	„ 0 52
Seed shops,	1 1 00
Shoemaker,	„ 1 20
Shroff pice seller,	1 3 50
Sweetmeat sellers,	1 0 00
Tailor,	„ 1 20
Wood sellers (in bundles),	„ 1 20

A. D. 1818. REGULATION VIII.

A REGULATION *for the confinement of state Prisoners.*—PASSED *by the Right Honorable the Governor in Council on the 7th October* 1818, *corresponding with the 8th Asvin sood Sumbut or Vekramajet Era* 1874; *Salbahan* 1740; *and 6th of Zilhuj* 1233 *Hijry.*

Preamble.

WHEREAS reasons of state, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to it's protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals, against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper: and WHEREAS it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor in Council: and WHEREAS the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the ground of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of

the

the Governor in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed: and WHEREAS the ends of justice also require, that due attention be paid to the health of every State Prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family: and WHEREAS the reasons above declared sometimes render it necessary that the estates and lands of Zemindars, Talookdars and others situated within the territories dependant on the Presidency of Bombay, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding: and WHEREAS it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government—the Right Honorable the Governor in Council has enacted the following rules, which are to take effect throughout the Provinces immediately subject to the Presidency of Bombay from the date on which they may be promulgated.

Mode of proceeding for placing individuals under restraint as State Prisoners.

II. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor in Council to require, that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant to be issued.

Second.—The warrant of commitment shall be in the following form.

To

To the *(here insert the officer's designation)*

WHEREAS the Governor in Council, for good and sufficient reasons, has seen fit to determine that *(here insert the State Prisoner's name)* shall be placed under personal restraint at *(here insert the name of the place)* you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation VIII. 1818.

By Order of the Governor in Council,

BOMBAY CASTLE, A. B.

the *Chief Sec. to Govt.*

Third.—The warrant of commitment shall be sufficient authority for the detention of any State Prisoner in any fortress, jail or other place, within the territories subject to the Presidency of Bombay.

Such warrant to be sufficient authority for the detention of any State Prisoner.

III. Every officer in whose custody any State Prisoner may be placed, shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political department, on the conduct, the health and the comfort of such State Prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

Officer in whose custody State Prisoners may be placed, to submit to Government periodical reports.

IV. *First.*—When any State Prisoner is in the custody of a Zillah or City Magistrate, the Judges of Circuit are to visit such State Prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State Prisoner, which may appear to them advisable; provided they be not inconsistent with the orders of the Governor in Council, issued on that head.

State Prisoners in the custody of the Zillah or City Magistrate to be visited by the Judge of Circuit at the sessions.

Second.

State Prisoners in custody of a public officer not being a Zillah or City Magistrate, to be visited by such person as may be nominated by Government for the duty.

Second.—When any State Prisoner is placed in the custody of any public officer not being a Zillah or City Magistrate, the Governor in Council will instruct either the Zillah or City Magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Representations which may be made by State Prisoners to be submitted to Government.

V. The officer in whose custody any State Prisoner may be placed, is to forward, with such observations may appear necessary, every representation which such State Prisoner may from time to time be desirous of submitting to the Governor in Council.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to State Prisoners.

VI. Every officer in whose custody any State Prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council, whether the degree of confinement to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support, be adequate to the supply of his own wants and those of his family, according to their rank in life.

The allowance fixed for the support of a State Prisoner to be duly appropriated to that object.

VII. Every officer in whose custody any State Prisoner may be placed, shall take care that the allowance fixed for the support of such State Prisoner is duly appropriated to that object.

The provisions contained in sections III to VII of the present Regulation, applicable to all persons who are now confined as State Prisoners.

VIII. The provisions contained in sections III, IV, V, VI and VII of this Regulation, are hereby declared to be applicable to all persons who are now confined as State Prisoners under the authority of Government within the territories subject to the Presidency of Bombay.

Rules for the attachment of estates or lands by the orders of Government without a previous decision

IX. Whenever the Governor in Council, for the reasons declared in the preamble to this Regulation, shall judge it neces-

sary

sary to attach the estates or lands of any Zemindar, Jageerdar, Talookdar or other person, without any previous decision of a Court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district, in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Adawlut and Superior Tribunal.

of a Court of Justice.

X. *First.*—The lands or estates which may be temporarily attached, shall be held under the management of the officers of Government in the Revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

Lands or estates so attached to be placed under the management of the officers of Government in the Revenue department.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

And not liable to be sold on account of decrees of the Civil Courts or otherwise, while under attachment.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of the Civil Courts in such instances.

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the release of an estate from attachment.

TITLES OF THE REGULATIONS

PASSED IN THE YEAR 1818.

REGULATION

I.

A REGULATION *for imposing a duty on all Opium made out of the limits of the Territories immediately dependent on the Presidency of Fort William imported or brought into any port or place within the limits of the Territories dependent on the Presidency of Bombay.—Passed by the Right Honorable the Governor in Council on the 2d January* 1818.

REGULATION II.

A REGULATION *to amend Regulation VIII. A. D.* 1813.—*Passed by the Right Hon'ble the Governor in Council on the 20th May* 1818.

REGULATION III.

A REGULATION *for modifying and defining the powers of Magistrate, and transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah, constituting the Judges of the Zillah Courts the Criminal Judges of the Zillahs with charge of the Police of the Sudder Stations and for defining their powers.—Passed by the Right Hon'ble the Governor in Council on the 10th June* 1818.

REGULATION IV.

A REGULATION *for the establishment of a general system of Police throughout the territories subject to the Government of Bombay.—Passed by the Right Hon'ble the Governor in Council of Bombay on the 10th June* 1818.

REGULATION V.

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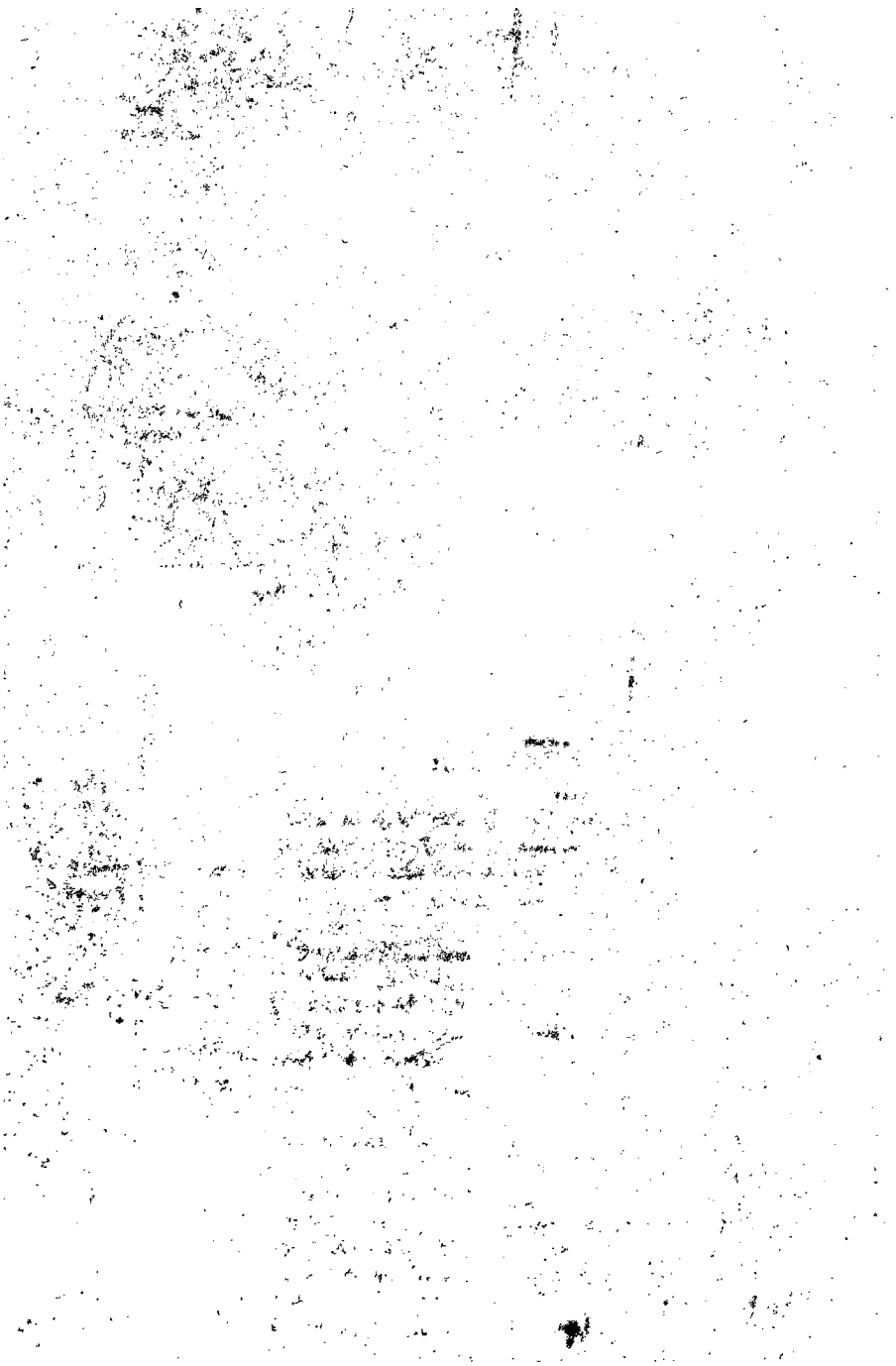

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The provisions contained in section III. to VII. of the present Regulation, applicable to all persons who are now confined as state prisoners —	—	VIII.	
Rules for the attachment of estates or lands by the orders of Government without a previous decision of a Court of justice — —	—	IX.	
Lands or estates attached, to be placed under the management of the officers of Government in the Revenue department — —	—	X.	
And not liable to be sold on account of decrees of the Civil Courts or otherwise, while under attachment — —	VIII.	X.	Second.
The Government will make such arrangement as may be proper for the satisfaction of the decrees of the Civil Courts in such instances — —	—	—	Third.
Rules to be observed in cases where Government may order the release of an estate from attachment —	—	—	
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Comavisdars and other native Revenue officers, prohibited from trade, or the receipt of presents —	II.	III.	
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ZILLAH COURT			

	Regulation.	Section.	Clause.
ZILLAH COURT.			
The Judges of the Courts of Adawlut of the several Zillahs constituted criminal Judges of their respective Zillahs, with the duties of the Police at the Sudder station as heretofore — — —	III.	I.	
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The office of Magistrate in the Zillah beyond the Sudder Station transferred from the Judge to the Collector — —	III.	I.	
Magisterial Regulations now in force only applicable to Sudder stations — —	—	II.	
Collectors in the several Zillahs to be Magistrates —	—	III.	
Assistants to the Collectors to be assistants to the Magistrates — — —	—	IV.	
The Magistrate's official Seal — —	—	V.	
To remain in his Custody — —	—	—	
Special Jurisdiction of the Magistrates of the several Zillahs — —	—	VI.	
Magistrates to apprehend all persons charged with crimes and misdemeanors — —	—	VII.	
Crimes which are not bailable — —	—	VIII.	
How a Magistrate is to proceed if the charge be for manslaughter or illegal homicide not amounting to murder — — —	—	—	
Principle applicable to persons privy or incidentally accessary to heinous crimes — —	—	—	*Second.*
Points to be attended to by the Magistrates in their enquiries into charges preferred to them — —	—	IX.	
How a Magistrate is to proceed on a complaint being preferred to him for any of the crimes declared not bailable; or tho' the crime charged be of a heinous nature, but not expressly declared to be unbailable	III.	X.	
To issue warrant under his seal and signature — —	—	—	
Form of warrant for apprehension — —	—	—	*Second.*
What to be specified in warrant, when bailable, or security for keeping the peace is to be taken —	—	—	*Third.*
Form of bail bond for appearance before the Magistrate	—	—	*Fourth.*
Form of Security bond for keeping the peace —	—	—	*Fifth.*
Personal attendance of complainant under certain circumstances not indispensable — —	—	XI.	
No warrant to be issued unless the charge be sworn or deposed to under a solemn declaration either by the complainant or some other credible persons —	—	—	
Magistrate not restricted from issuing process for apprehension upon the report of officers of Police, or other credible information — —	—	—	
How the Magistrate is to proceed if he see cause to distrust the truth of a complaint — —	III.	XII.	
How a Magistrate is to proceed against a person charged with a bailable offence — —	—	XIII.	
What the summons is to contain — —	—	—	*Second.*
Form to be substituted when bail is required —	—	—	*Third.*

Bail

	Regulation.	Section.	Clause.
Bail Bond to correspond with that prescribed in clause fourth of Sec. X — — —	III.	III.	*Fourth.*
How a Magistrate is to proceed if the accused on whom a summons may have been served shall not attend in person or by Vakeel and give bail if required — — — —	—	XIV.	
Magistrate to proceed against persons who may evade their process by flight or concealment —	—	XV.	
Lands or other real property to be attached on non-attendance after proclamation — —	—	—	
Attachment in what manner to be made, if the absentee be a proprietor or farmer of land paying revenue to Government — — —	—	—	*Second.*
Or, if the absentee be not of the above description —	—	—	*Third.*
Attachment to be taken off on attendance of the absentee, and an account rendered of receipts and disbursements — —	—	—	*Fourth.*
Report to be made to the Governor in Council in case the absentee shall not attend within six months after the attachment of his lands — — —	—	—	*Fifth.*
Magistrates how to proceed against persons resisting their processes — — —	—	XVI.	
Judgment is to be passed against persons convicted of such offence — — —	—	—	
If a proprietor of land paying revenue to Government or Lackheraj land — — —	—	—	*Second.*
If a Sudder farmer holding a farm from Government	—	—	*Third.*
If the offenders be not of the above description —	—	—	*Fourth.*
Magistrates may inflict punishment in certain cases of resistance without the reference required in clause sixth — —	—	—	*Fifth.*
Judgments of Magistrates, with certain exception, to be reported to the Superior Tribunal, without whose orders such judgment not to be considered final and conclusive — — — —	—	—	*Sixth.*
Superior Tribunal how to proceed in cases referred to them under this Regulation — —	—	XVII.	
Magistrates not restricted from admitting to bail, persons accused of resistance to criminal processes, in certain cases — — — —	—	XVIII.	
In what cases such persons may be admitted to bail —	—	—	
Magistrate how to proceed, when it may appear adviseable to offer a reward for the discovery and apprehension of offenders in cases of magnitude —	—	XIX.	
Discretion vested in the Magistrate in such cases —	—	—	
And in the court of superior Tribunal — —	—	—	
In what case a report to be made for the orders of Government — — —	—	—	
Reward sanctioned under the preceding section, when payable — — —	—	XX.	
In what cases the courts of circuit may order payment, in whole or in part, without conviction of the persons apprehended — — —	—	—	
In what cases the courts of circuit may also withhold the payment of the rewards offered, notwithstanding the conviction of the persons apprehended —	—	—	

Authority

	Regulation.	Section.	Clause.
Authority vested in the courts of circuit to direct a remuneration for meritorious service by Police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them — — —	III.	XXI.	
And in the court of superior Tribunal — —	—	—	
In what case a report to be made to Government —	—	—	
Prisoner to be examined, but not upon oath; and his deposition to be committed to writing — —	—	XXII.	
The witnesses to the charge to be examined on oath (or solemn declaration) and their depositions to be committed to writing — — — —	—	—	
Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing — — — —	—	—	
Magistrates to send the prisoner to the criminal Judge, if there shall be evidence that the crime or misdemeanor was committed — —	—	—	Second.
Magistrate need go no further into examination than may satisfy his mind of the prisoner's guilt — —	—	—	—
Documents to be forwarded with the prisoner to the Judge — — — — —	—	XXIII.	
Prisoners' confessions or confirmations of former confessions of their guilt, to be attested by the number of witnesses required to render them valid —	—	XXVI.	
The Magistrates to be careful that they are free and voluntary, and to take special care that prisoners suffer no ill treatment after apprehension to compel them to speak the truth, or for other purpose —	—	—	
Magistrates not to admit any compromise in crimes of a heinous nature — — —	—	XXV.	
Rules respecting examinations taken before the Magistrate — — — —	—	XXVI.	
Magistrates not to receive any charges of perjury —	—	XXVII.	
Individuals attending in civil suits, not liable to prosecution for perjury, unless committed for trial before the Judge — — —	—	—	
Magistrates to transmit to the Superior Tribunal, in the month of January of each year, an abstract statement of robberies and other crimes committed in the preceding year, containing the particulars specified in Sec. XXVII. — —	—	XXVII.	
Process to be observed for apprehension and trial of Europeans not British subjects within the Province	—	XXIX.	
Misdemeanors which the Magistrates are authorized to try — — — —	—	XXX.	
And the punishment which they are empowered to inflict for such offences — — —	—	—	
Crimes, which the Magistrates are also authorized to try, under the restrictions specified — —	—	XXXI.	
And the punishment which they are empowered to inflict for such crimes — — — —	—	—	
Form of warrant referred to, to be addressed by Magistrates in certain cases to the keeper of the Zillah jail — — — — —	—	XXXII.	
Warrant to be accompanied by a paper addressed to the Judge — — — —	—	—	Second.

The

	Regulation.	Section.	Clause.
The endorsement thereon required — —	III.	II.	
Punishments to be inflicted on the complainants in certain cases whose complaints are proved to be litigious, vexatious, or groundless — — —	——	XXXIII.	
In what cases bail for personal appearance shall not be required in the first instance — — —	——	XXXIV	
But may be required at any time during the investigation — — — —	——	——	
How an officer, entrusted with the serving of a summons, is to proceed — — —	——	——	
In what cases the officer serving the summons shall be authorized to receive a razeenamah, if acquiesced in by the defendant, as a sufficient return to the process entrusted to him — — —	——	——	
Provided that, except in the trivial cases noticed, no razeenamah shall be received without the sanction of the Magistrate — — —	——	——	
Magistrates not required to make examinations in certain cases matter of record — —	——	XXXV.	
Magistrates to pay the customary diet money to prisoners — — — —	——	XXXVI	
No fines to be imposed by Magistrates but to the use of Government; with a definite period of imprisonment, to be held as equivalent to the fines imposed	——	XXXVII	
Imprisonment not to exceed periods specified —	——	——	
Application of fine when levied in cases of injury to complainants — — —	——	——	
Magistrates to submit two calendars to the Court of Circuit — — — —	——	——	Second.
What to contain — — — —	——	XXXVIII	
What papers and proceedings are to accompany these Calendars — —	——	——	
Directions to the Circuit Judge in certain cases —	——	——	Second.
Courts of Circuit to report instances of neglect or misconduct on the part of Magistrates in the discharge of their duty —	——	——	Third.
Public officers in the pay of Government, charged with the serving of process, prohibited from demanding or receiving diet money from the parties —	——	XXXIX.	
Magistrates empowered to remove Police officers from one station to another, at discretion —	——	XL.	
Magistrates and their Assistants amenable to the Zillah Court for acts done in their official capacity —	——	XLI.	
Magistrates to furnish the Courts of Circuit with the original returns of the nazir respecting summons to witness s not in attendance; both nazir and person deputed to attend the Court of Circuit —	——	LXII.	
Zillah Magistrates to take the prescribed oath as justices of the Peace — — —	——	LXXX.	
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Magistrates to communicate to each other information on subjects connected with the peace of their Zillahs — — —	——	XLIX.	
Magistrate and officers under him, to prevent forcible occupation and seizure of lands or crops —	——	L.	

Magistrates

	Regulation.	*Section.*	*Clause.*
Magistrates to determine the rate of hire to be paid by travellers to palankeen bearers &c. —	IV.	LII.	
Magistrates may receive complaints of frauds committed in using false weights and measures —	——	LIII.	
Criminal Judges and Zillah Magistrates to communicate to each other information on subjects connected with the peace of their jurisdiction —	IV.	——	
Magistrates and Criminal Judges to correspond direct with Government, when necessary — —	——	LIX.	

A. D. 1819. REGULATION I.

A REGULATION *for the support of the* POLICE *in the Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the powers of the Civil and Military Officers in the performance of that duty, and for fixing the local limits of the said Cantonments and Bazars.* PASSED *by the Right Honorable the Governor in Council of Bombay, on the 25th of February,* 1819; *corresponding with the* 1st *of Falgoon sood, Sumbut, Vikramjit Era,* 1875; *Salbahan* 1740; *and* 29th *of Rubeeoolakhir* 1234 *of the Hijree.*

Preamble.

THE following rules have been passed for the more effectual support of the Police in Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the Powers of the Civil and Military Officers in the performance of that duty, and for fixing the local limits of the Cantonments and Bazars.

The support of the police and the maintenance of the peace within the limits of cantonments, vested in officers commanding the troops.

II. *First.*—The support of the police, and the maintenance of the peace within the limits of the cantonments and military bazars (which are to be fixed in the manner hereafter stated), are hereby vested in officers commanding the troops quartered at such places. The commanding officers will accordingly adopt

Commanding officers to adopt measures for preventing the commission of the thefts or other public crimes within the limits of cantonments and military bazars.

adopt the necessary measures, by means of the troops under their command, for preventing, as far as possible, the commission of theft, robberies, murders, and other public crimes, within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons, who may at any time be guilty of any such acts.

Commanding officers, or others acting under their authorities, are not to interfere with respect to assaults and petty affrays.

Second.—Nothing contained in the preceding rule shall, however, be construed to authorize the commanding officers of cantonments, or the persons acting under their authority in the support of the police, to interfere, with respect to assaults and petty affrays, or other offences of inferior magnitude, unless the persons guilty of those offences, shall be apprehended in the actual commission of such acts.

Persons apprehended under the above rules, to be delivered over to the criminal Judge or Magistrate of the district; & to be proceeded against in the manner prescribed by the General Regulations.

Third.—Any person apprehended under the preceding rules in any of the cantonments or military bazars, on account of the commission of any public crime or offence, shall be delivered over with all practicable expedition to the criminal Judge or Zillah Magistrate of the jurisdiction in which such cantonments or bazars are situated; and the criminal Judge or Zillah Magistrate, if within his jurisdiction, shall proceed against the accused in the manner prescribed by the General Regulations.

Party aggrieved shall be at liberty to prefer his complaint against any individual resident in the cantonment or military bazars, to the Magistrate of the district.

III. *First.*—If any person shall have a charge or complaint to prefer against any individual resident in any of the cantonments or military bazars, who may not have been already apprehended by the persons entrusted therein with the support of the police, or if the charge or complaint be of a nature not to authorize those officers under clause second of the preceding section, to interfere in it; the party deeming himself aggrieved, is at liberty to prefer his charge or complaint directly to the criminal Judge or Zillah Magistrate, agreeably to the juris-

Criminal Judges and Magistrates to proceed against such individuals

diction

diction in which the cantonments or military bazar may be situated, who is hereby authorized and required to proceed with respect to it under the general regulations, in the same manner, as if the alleged crime or offence had been committed in any other part of his jurisdiction.

under the General Regulations.

Second.—Under the foregoing clause the criminal Judges and Zillah Magistrate are of course empowered to issue their warrants and summonses against any persons residing in the cantonments and military Bazars, in the same manner as if such persons resided in any other part of their jurisdiction; and the commanding officers of stations are hereby required to afford every protection to the officers of the Judges, criminal Judges, Zillah Magistrates, and Justices of the peace, in the discharge of the duty entrusted to them, whether any special application shall have been made to them for such aid or support, or otherwise.

Criminal Judges or Magistrates may issue warrants and summonses against any person residing in the cantonment.

Commanding officers on special application, or otherwise, required to afford protection to the officers of the Civil authority, in the discharge of the duties entrusted to them.

IV.—On receipt of this Regulation, the limits of the cantonments, including the military bazar attached thereto, at which any division or corps of the army, or any considerable detachment, not being less than half a battalion, may be quartered, shall be fixed by the Commanding Officer in concert with the criminal Judge or Zillah Magistrate. The commanding officer at each of those stations will accordingly submit to Government, through the usual channel, as soon as circumstances may conveniently admit, a report, framed in concert with the criminal Judge or Zillah Magistrate within whose jurisdiction the cantonments may be situated, upon the local limits of the cantonments; forwarding at the same time any separate remarks which the criminal Judge or Zillah Magistrate may wish to make on the subject, for the final orders of the Governor in Council.

Limits of cantonments and military bazars, to be fixed by commanding officers in concert with the criminal Judge or Magistrate of the district.

Commanding officer to submit a report upon the local limits of the cantonments with any remarks from the criminal Judge or Magistrate of the station, for the final orders of Government.

V.

The above rules to be considered applicable to all cantonments.

V. The above rules shall be considered applicable to all cantonments in which any considerable body of the troops, not being less than half a battalion, is quartered, whether the cantonments be situated at the place of residence of the Judge, criminal Judge and Zillah Magistrate, or in any other part of the district.

A. D. 1819 REGULATION II.

A REGULATION *for amending part of Section IX. Regulation XIV. A. D.* 1802 *entitled a Regulation for the appointment of Vakeels or Native pleaders in the Civil Courts:--Passed by the Right Hon'ble the Governor in Council of Bombay on the* 10*th March* 1819, *corresponding with the* 14*th of Falgoon Sood Sumbut or Vekramajit Era* 1875 *Salbahan* 1740, *and* 13*th of Jumâdyool-avul* 1234 *of the Hijree.*

Preamble.

WHEREAS the fees levied upon the institution of Suits in the Civil Courts under Sec. III. Regulation VIII. A. D. 1802, as well as those receivable by the Registers of the said Courts under Sec. V. Regulation II. 1808, were calculated upon the principle of a gradual increase in proportion to the amount of Suit, and WHEREAS doubts have arisen upon the application of this principle in estimating the fees of Vakeels or Native pleaders according to the table thereof exhibited in Section IX. Regulation XIV. A. D. 1802: in order therefore to remove such doubts in future, the following rules have been enacted.

Fees to be allowed to Vakeels or native pleaders in the Civil Courts.

II. The Vakeels of parties in the ſeveral Courts of Judicature are to be allowed as fees for pleading the cauſes of their clients, the following per centage on the ſum of money or the value of any perſonal property which may conſtitute the ſubject of the Suit, viz.

On

On amount or value not exceeding five thouſand rupees, five per cent on the firſt thouſand, and four per cent on the remainder.

On amount or value exceeding five thouſand and not exceeding ten thouſand rupees—on five thouſand as above, and on the remainder three per cent.

On amount or value exceeding five thouſand and not exceeding twenty five thouſand rupees—on ten thouſand as above, and on the remainder two per cent.

On amount or value exceeding twenty five thouſand, and not exceeding fifty thouſand rupees—on twenty five thouſand as above, and on the remainder one per cent.

On amount or value exceeding fifty thouſand and not exceeding one hundred thouſand rupees—on fifty thouſand as above, and on the remainder three quarters per cent.

On amount or value exceeding one hundred thouſand rupees—on one hundred thouſand as above, and on the remainder one half per cent.

A. D. 1819 REGULATION III.

A REGULATION *for defining the Jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject; for introducing the Laws and Regulations for the administration of Justice and collection of the Revenues into those territories; and for modifing such parts of the existing Regulations, as relate to the periodical Jail Deliveries:*—PASSED *by the Right Honorable the Governor in Council of Bombay on the* 14*th April* 1819, *corresponding with the* 4*th of Chyter Vud, Sumbut or Vikramajet Era* 1875; *Salbahan* 1741, *and* 18 *of Jumadyoolakher* 1234 *of the Hijree.*

Preamble.

WHEREAS by a supplemental Treaty concluded at Baroda, on the 6th of November 1817, with His Highness the Guycawar, and ratified by His Excellency the Most Noble the Governor General in Camp at Masowly, on the 12th of March 1818, the Districts composing the perpetual farm of Ahmedabad by the XV article of the Treaty of Poona, namely, the late Paiswa's share in the city of Ahmedabad, the Duscooraee Pergunnah, the Districts of Beerumgaum and Perantej; his share in Hursolee and Morassa, the Punch Mahals, viz. Mahmoodabad, Aleena, or otherwise called Thanna, Sasra

Sasra and Antroolee, Balasenore and Veerpoor, and half of the Town and Pergunnah of Petlaud, were ceded in perpetual sovereignty to the Honorable East India Company, in order to provide for the regular payment of the additional troops subsidised by that Treaty; and WHEREAS by the additional articles to the supplemental Treaty aforesaid, negotiated with the Guycawar state, and ratified by His Excellency the Most Noble the Governor General in Council at Fort William on the 28th of November 1818, the Guycawar's share of the city, and of his rights in Ahmedabad, the Duscooraee (inclusive of Doomalla and Enam assignments), the Pergunnahs of Turkeyser and Cusba of Mota in Surat Attaveesy, were ceded to the East India Company in exchange for the Districts of Dubhoy, Bahadurpoora and Saowlee, and of the Moghallaie duties in the Districts belonging to the Guycawar in the Surat Attaveesy; and WHEREAS it was considered mutually desirable for the interests and convenience of both Governments, and to promote more effectually the consolidation of their power and authority, that the rights of the Cusba Town of Petlaud, should be transferred to one or other of the contracting parties, His Highness the Guycawar agreed by the additional articles aforesaid, to cede in exchange for the Company's rights in the Cusba of Petlaud only, his rights in the Cusba or Township of Omrut; and WHEREAS all the territory situated to the southward of the Districts of Bailapoor, Autgong and Cullian, and lying between the ghauts of the Syadree mountains & the sea, denominated the Southern Concan and the Pergunnah of Oolpar in Guzerat belonging to the late Paishwa, have been obtained by conquest, and annexed to this Presidency by the authority of His Excellency the Most Noble the Governor General in Council; and WHEREAS it has been judged advisable to annex such of the territories to those Zillahs which from their vicinity can most conveniently

conveniently exercise a jurisdiction over them, and also to create a new Zillah in the Southern Concan; and WHEREAS it has been deemed expedient to extend the Regulations for the administration of Justice, and the collection of the Revenue, with the amendments and alterations hereafter specified, to the territories aforesaid, as well as to modify such parts of Section VIII. Regulation VIII. 1812, as relate to the number of Jail deliveries annually, the following enactment has been passed.

Certain parts of Section III. Regulation VI. 1817 rescinded.

II. Such parts of Section III. Regulation VI. 1817, as relate to the annexation of the Pergunnahs of Dubhoy, and Bahadurpoora to the Zillah of Broach, and the Pergunnah of Saowlee to the Zillah of Kaira are hereby rescinded.

Section V. Regulation II. 1805 rescinded.

British territory north of the Myhee, divided into two Zillahs; one designated the Ahmedabad or Western Zillah, the other the Eastern Zillah north of the Myhee.

III *First.* Section V. Regulation II. 1805, constituting the Zillah and Collectorship of Kaira is hereby rescinded, and the territories situated to the northward of the Myhee river, which were divided into two Zillahs and Collectorships from the 1st day of January 1818, shall be designated, one the Ahmedabad or Western Zillah, and the other the Eastern Zillah North of the Myhee.

What shall constitute the Admedabad or Western Zillah.

Second. The districts situated to the west of the Saburmatty river, inclusive of such part of the Dholka Pergunnah as may be situated to the east thereof, with the City of Ahmedabad, including such Villages in the Duskoraee as are to the west of the Kharee river and the Pergunnah of Perantej, shall form the Ahmedabad or the Western Zillah; and the Districts situated to the eastward of the Saburmatty with the exception of the City of Ahmedabad, such part of the Dholka Pergunnah as may be situated within this boundary, the Pergunnah of Perantej, and the Villages before stated, shall form the Eastern Zillah North of the Myhee.

What shall constitute the Eastern Zillah.

Such records to be transferred to the Ahmedabad or Western Zillah Court as may belong thereto.

Zillah Court to proceed in suits transferred in same manner as if instituted therein in the first instance.

IV. *First.* All suits which may have arisen within the limits of such parts of the late Zillah of Kaira, as are now incorporated into the new created Zillah of Ahmedabad, and which may be depending, shall be received by, and the papers and documents connected with such suits, transmitted to the Zillah Court of Ahmedabad, and the Judge thereof is hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Court under his authority.

The same principle to apply within the Eastern Zillah.

Second. The principles of the above clause shall apply to such parts of the territory comprized in the late Kaira Zillah, as may be incorporated with the Eastern Zillah North of the Myhee.

Civil and Criminal Prisoners in the Jail at Kaira to be transferred to the Zillah to which they may belong.

Third. The Civil and Criminal Prisoners in the Jail of Kaira, shall also be transferred under this division, to the Zillah to which they may respectively belong.

All acts of the Judicial and Revenue Officers from the date of the introduction of the constitution within the late Cessions north of the Myhee & in the conquered territories to the date of this enactment are legalized.

V. All acts done or decisions passed by the Revenue or Judicial authorities within the recently acquired Territories situated to the North of the Myhee, since the date of the Government order partitioning the Country into two Zillahs, viz. the 10th December 1817, as well as within all the conquered Territories alluded to in this Regulation, are hereby considered to have the same force and effect, as if passed subsequent to the promulgation of this Regulation.

The Pergunnahs of Oolpar and Turkeyser and Cusba of Mota and the Pergunnah of Bhugwara annexed to the Surat Zillah.

VI. The Pergunnahs of Oolpar and Turkeyser and Cusba of Mota in Surat Attaveesy, are annexed to the Zillah of Surat, as was the Pergunnah of Bugwara, or that portion of the Territory ceded by the Treaty of Poona and lying between the Damaun river and the Attaveesy by an Order in Council bearing date the 17th November 1817.

The Village of Mugdula and lands in the Village of Peeplod are annexed to

VII. The Village of Mugdula together with some adjoining lands in the Village of Peeplod, situated in the Pergun-

nah

nah of Chourasee, being Cessions under the last Treaty of Poona, are hereby annexed to the Zillah of Surat.

the Zillah of Surat.

VIII. Regulations I. of 1811; XI. of 1814, and VI. and XII. of 1815, are hereby rescinded.

Regulations I. of 1811. XI. of 1814 and VI. and XII. of 1815 rescinded.

IX. *First.* The tract of the territory situated to the south of the Districts of Bailapoor, Autgong and Callian, as far as the river Apta, shall be annexed to the Zillah of the Northern Concan.

Annexation of territory to the Zillah of Northern Concan.

Second. The conquered territory bounded on the north by the Apta river and on the south by the Carlee or Malwan river and lying between the ghauts of the Syadree Mountains and the sea, known under the appellation of the Southern Concan shall be formed into a separate Zillah and Collectorship, to be denominated the Zillah of the Southern Concan, including within its Jurisdiction the territories dependent on Fort Victoria and Malwan.

Conquered terrritory in the Southern Concan created into a Zillah.

To be designated the Zillah of the Southern Concan.

And to include the stations of Fort Victoria and Malwan.

X. *First.* All suits which may have arisen within the limit of the Districts of Malwan and Fort Victoria, now incorporated in the new created Zillah of the Southern Concan and and which may be depending, shall be received by, and the papers and documents connected with such suits transmitted to, the Zillah Court under which these stations are now placed; and the Judge thereof is hereby empowered to proceed on the trial of the said cases, in like manner as if the suits had been instituted, in the first instance, in the Courts under his authority.

The Judicial Records from Malwan and Fort Victoria to be transferred to the Zillah Court of the Southern Concan.

Zillah Court to proceed in suits transferred in same manner as if instituted therein in the first instance.

Second. The Civil and Criminal Prisoners in the Jails of Malwan and Fort Victoria shall be transferred to such place as shall hereafter be fixed on for the seat of the Zillah of the Southern Concan.

The Civil and Criminal Prisoners in the Jails of Malwan and Fort Victoria to be transferred to the Sudder Station.

Third. All papers and documents in causes appealed from the decisions of the Judges at Fort Victoria and Malwan, and which

Sudder Adawlut to transfer to the Provincial Court of Appeal, appeals

pending from Fort Victoria and Malwan.

And that Court is empowered to proceed therewith as if instituted in the first instance in the Provincial Court.

which may be depending in the Court of Sudder Adawlut, shall be transmitted to the Provincial Court of Appeal; and the Judges of the Court of Appeal are hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Provincial Court.

The Laws and Regulations to have effect in the Cessions and conquests from the dates specified in this Section.

XI. The Laws and Regulations established for the internal administration of the territories under the Presidency of Bombay, and for the Collection of the Revenues, are hereby declared to be in full force and effect within such parts of the late Cessions, as are situated North of the Myhee, and lying within or annexed to Surat Attaveesy, from the 6th of June 1817.

In the Pergunnah of Oolpar from the 28th of November 1817.

And in the conquered territorries annexed to the Northern and Southern Concan respectively from the 2d September 1818.

Civil Claims originating twelve years antecedent to the dates of cession or conquest, not cognizable by the Civil Courts.

XII. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in any part of the ceded and conquered territories aforesaid, the cause of action in which may have originated previously to a period of twelve years antecedent to the dates of such cessions and conquests respectively.

Limitation of the operation of Regulation III. 1814 prescribed.

XIII. The operation of Regulation III. 1814 is limited to the 6th June 1816 in respect to the territories aforesaid; to the 28th of November 1816 in respect to Oolpar; and to the 2d of September 1817, in respect to the conquered territories in the Concan: and operation of Section XIII. Regulation XIV. 1815, in respect to all the territories and places named in the preamble of this Regulation, is limited to the 1st day of September 1819, of which due notice shall be given by the proper local authorities.

Operation of Section XIII. Regulation XIV 1815 limited to 1st September 1819. Of which due notice to be publicly given.

XIV.

Crimes committed previous to the date of Cession or conquest not cognizable by the Criminal Courts.

XIV. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territories previously to the dates of cession or conquest, as specified in Section XI.

Collectorship of the Northern Concan declared to be coextensive with the jurisdiction of the Zillah Court

XV. Such part of clause first Section II, of Regulation VI. 1817, as provides for the establishment of a separate collectorship in the Northern Concan, independent of Salsette, is hereby modified; and the Collectorship in the Northern Concan is declared to be co-extensive with the jurisdiction of the Zillah Court, in all matters of revenue, as well as magisterial, under the Regulations now in force.

Certain parts of Section VIII. Regulation VIII. 1812 as provide for three Circuits in each year rescinded.

XVI. *First.* Such part of Section VIII. Regulation VIII. 1812, as provides for the General Jail deliveries annually in each Zillah, is hereby rescinded.

Two Circuits established in each year.

Exception.

Second. There shall be two General Jail deliveries annually in each Zillah, with the exception provided in the following Section: for which purpose the Junior Judges shall make two Circuits; setting out on the first Circuit upon the first day of April, and on the second Circuit upon the first day of October, in each year respectively.

Jail deliveries to be held quarterly in the Zillah of Surat.

XVII. The Jail deliveries of the Zillah of Surat, the Seat of the Court of Circuit, shall hereafter be held quarterly before one of the Judges.

In what manner and at what periods the Jail deliveries are to take place.

XVIII. The Courts of Quarterly Jail delivery established by the preceding Section, shall commence on the first of the months of January, April, July, and October respectively in each year, and shall be superintended by the Judges of the Provincial Court in rotation as follows, viz.—

The Chief Judge shall preside at the April and October, or second and fourth Quarter Sessions of the year; and the January and July, or first and third Quarter Sessions, shall be held by the Second and Third Judges alternately.

A. D. 1819. REGULATION IV.

A REGULATION *to amend the existing rules for receiving complaints in the Zillah Courts, against Collectors of the Land Revenue and Customs, Commercial Residents, and others, European Public Officers, amenable to those Courts, for Acts done in their official capacity in opposition to any published Regulation; and to make provision for a special enquiry, in certain cases of charge or information against any such officers.* —**PASSED** *by the Governor in Council of Bombay, on the* 14*th of July* 1819, *corresponding with the* 7*th Assad Vud, Sumbut or Vekramajit Era* 1875; *Salbahan* 1741; *and* 20*th Ramzan* 1234 *of the Hijree.*

Preamble.

BY Section VII. Regulation I. A. D. 1800, Collectors of Revenue and Customs and their assistants (and Native officers), and all persons on the part of Government in the manufacture of Salt, or in the provision of the investment, are declared amenable to the Zillah Court for any Acts done in their official capacity in opposition to any Regulation print-

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ed and published in the prescribed form; it is further provided by the Regulation referred to, that if the complainant consider himself aggrieved under any published Regulation, by an Act done by any of the officers described, in pursuance to a special order originating with the Governor in Council, or with respect to demands of Revenue, if he admit the demand to be conformable to the engagements or stipulations under which the Collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any Regulation passed by the Governor in Council, the Collector, or other public officer, is not to be liable to personal prosecution on account of such authorized demand, or on account of demands made in conformity to such engagements, or stipulations, which are to be held valid until they are set aside, or altered by a final judicial decision. In such cases Government is to be considered the defendant, and the person deeming himself aggrieved is directed to present a petition to the Judge of the Zillah Court having jurisdiction over the officer by whom the Act complained of may have been done, stating wherein he considers himself injured under the Regulations, and praying that the Governor in Council will order the Court, in which the cause may be cognizable, to try the points or matters contested agreeably to the Regulations. The Judge to whom any such petition may be presented is required to forward it immediately to the Governor in Council, who has declared that, if he shall not think it proper to afford the redress solicited by the petitioner, and the established Court of Justice shall be competent to try the cause, he will direct the Court in which it may be cognizable to proceed to the trial of it, under the same Rules and Regulations as are prescribed for the trial of suits between individuals. The officer, by whom the Act complained a-

gainst may have been done, is in such cases to defend the suit on the part of Government, under the directions of the Governor in Council, and he is to employ for this purpose the Vakeel of Government attached to the Court in which the suit may be tried, but in all other cases, vizt. excepting such as are specially declared to be suits against Government, the officer complained against is left to defend the suit by any Vakeel he may think proper to employ, and at his own ultimate risk and expense, if his conduct shall appear on judicial investigation, to have been repugnant to, or unwarranted by the Regulations; though in suits involving any claim to money received or demanded on behalf of Government, all costs of suit are allowed to be disbursed in the first instance, from the public treasury, and the officer complained against is secured from personal loss, if his conduct shall be adjudged by a final decree to have been conformable to the Regulations. A principal object of the provisions was to distinguish suits, in which the Collectors and other public officers might become personally answerable for any unauthorized deviation from the rules prescribed for their guidance in the performance of their respective duties, and suits for acts done by them under special orders in the regular discharge of their official functions, in which no personal responsibility could attach to them. A further object was to furnish the Governor in Council with the earliest information of all cases in which individuals might deem themselves aggrieved by acts done in pursuance of special orders from the Governor in Council, that redress might be granted without a judicial process, if it should appear that any real injury had been sustained, or that the rights of Government might be defended with full information and advice from the proper departments, if the complaint preferred should on enquiry, be deemed not to have any just foundation, with

a view to simplify the process. It is therefore advisable that every complaint preferred in the Courts of Civil Justice against any European public officer amenable thereto, should be reported in the first instance, for the information and orders of the Governor in Council. It is also expedient and requisite, that provision should be made for a special enquiry when charges of a serious nature are preferred to any of the established Courts of Judicature authorized to receive such charges, against any of the covenanted servants of the Company employed in situations of trust and responsibility in the Judicial, Revenue or Commercial departments, as well as when any charge or public information of this description may be communicated directly, or through any official channel of communication, to the Governor in Council. By the statute 13 Geo. III. Cap. LXIII. Section XXXIII. it is enacted, that " if any of His Majesty's subjects in India, employed by, or in the actual service of the United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the United Company, every such offender being convicted thereof in the Supreme Court of Judicature, may be fined and imprisoned and judged to be for ever after incapable of serving the United Company." It is further enacted by the statute 33 Geo. III. Cap. LII. Section LXII., " that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the Company or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty or the United Company, in the East Indies, shall be deemed and taken to be extortion, and a misdemeanor at law, and shall be proceeded against and punished as such, under

and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof." These provisions of the British legislature are open to the direct prosecution of the charges therein mentioned before the King's Court at Bombay by any individual who may be desirous of prosecuting such charges in that Court, without the interposition of Government. But individuals cannot be expected, in all cases to prosecute charges of the nature specified (at their own risk & expense) in the King's Court at the Presidency, and when an accusation is preferred to any of the Courts of Judicature authorized to receive the same, or public information is given to the Governor in Council of corruption, embezzlement, or other gross malversation, breach of trust, or high misdemeanor, by a public officer, it is requisite for the ends of justice, that an immediate enquiry should be instituted for the purpose of ascertaining whether such accusation, or information, be founded or otherwise, in order that in the former case, Government may be enabled to judge, whether such officer deserve any longer to be continued in the employment of the Company, and that (in cases which may appear to require it) the provisions of the law may be carried into effect by a public prosecution in the Recorder's Court, or if the charge shall appear to be unfounded, that justice may be done to the character of the accused. The following rules are accordingly enacted and are to be considered in force, as soon as promulgated, in the whole of the provinces subject to the immediate authority of the Presidency of Bombay.

First process to be observed on the institution of a complaint in a Zillah Court against a Collector, Commercial Resident, or other European public officer am-

II. Whenever a complaint may be instituted in the manner prescribed by the Regulations in any Zillah Court against a Collector of the Revenue, or a Commercial Resident, or a Collector of the Customs or other duties, or against any assistant

nable thereto, when the act complained of may not come within the special provisions of Section VI. of this Regulation.

sistant to such officers, respectively or generally against any European public officer amenable to the Zillah Court, for any Act which, under the Regulations in force, may be cognizable by such Court, and may not be of the nature described in Section VI. of this Regulation; the Judge, previously to calling upon the officer complained against for his answer, shall transmit a copy and English translation of the complainant's petition to the Governor in Council for his information and orders.

What proceedings will be held, and orders passed by Government on references made to the Governor in Council under the preceding section.

III. On receipt of the reference directed in the preceding Section the Governor in Council, after making such enquiry as he may judge necessary in whatever mode the circumstances of the case may suggest, will determine, in the event of the redress sued for by the complainant not being granted, whether the suit instituted shall be defended as a public suit by Government, or whether it shall be considered a private suit, and left to the defence of the person against whom it is brought, or generally, what mode of proceeding shall be adopted with respect to the suit in question. The orders of Government in consequence shall be immediately communicated to the Judge of the Court in which the suit may have been instituted, or in which it may be cognizable, and he shall be guided thereby as far as they may respect the general mode of proceeding to be observed by him under the Regulations in force, provided that if the Governor in Council shall order the complaint so referred to be tried in a Zillah Court, either as a public suit against Government or as a private suit against the party whose Acts are complained of, the whole of the rules in force relative to the trial and decision of such suits respectively, shall be considered applicable to the trial and decision of the suit in question, in like manner as if no special orders from Government had been received.

In what respect the Judges of the Civil Courts to be guided by the orders of Goverment upon such reference.

A. D. 1819. REGULATION IV.

Parts of Section X. Regulation VI. 1812 rescinded.

IV. Such parts of Section X. Regulation VI. 1812, as relate to charges of corruption against a Judge of a Zillah Court preferred to a Provincial Court of Appeal, as well as Section VIII. Regulation VII. 1812, relative to charges of corruption against the Judge of a Zillah Court or of the Provincial Court preferred to the Court of Sudder Adawlut, are hereby rescinded.

Also Section VIII. Regulation VII. 1812.

Parts of Section IX. Regulation IV. 1800 likewise rescinded.

V. Such parts of Section IX. Regulation IV. 1800, as relate to charges of corruption and extortion against the Registers or assistants to the Civil and Criminal Courts, or against any other officers of those Courts, being covenanted servants of the Company, are also rescinded.

Enquiry into complaints or charges of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor, against a judicial officer how to be conducted.

VI. Whenever a complaint or charge of corruption, vizt. of the corrupt demand or receipt of money or other valuable thing as a gift or present, or of the embezzlement of public stores, or of any fraud or breach of public trust, or other gross misdemeanor, shall be preferred against any European officer attached, or who had been attached, to the Judicial, Revenue, or Commercial Departments, or when any matter of the nature in question, implicating the conduct of a public officer, shall appear in the course of any proceeding which may come before any superior authority, or be specially reported by a Subordinate Court or Authority, the enquiry into such charge or complaint shall be conducted according to the following provisions.

Accusations or informations against public officers not to be acted upon, unless averred on oath or under a solemn declaration.

VII. *First.*—With a view to the protection of the characters of the public officers it is hereby declared, that no accusation or information of the nature above described shall be acted upon, unless the truth of the charge be averred on oath, or under a solemn declaration (if the deponent be of a rank or cast, which would render it improper to require his oath), from

from the deponent's personal knowledge of the facts and circumstances on which the charge is grounded.

Persons preferring charges to be required to furnish security to prosecute them to a conclusion.

Second.—With a view likewise to the more effectual accomplishment of the purpose stated in the preceding clause, that is—the protection of the characters of the public officers from malicious and calumnious aspersions, it is hereby declared that it shall be competent to the Governor in Council and Sudder Adawlut, should it be deemed advisable, to require the person by whom any public accusation or information may be preferred, to furnish such security as may be deemed reasonable, to attend and prosecute the charge to a conclusion, and supposing such security not to have been taken in the first instance, to require it in any subsequent stage of the business, should circumstances appear to render that precaution at any time necessary or proper.

In cases of charges being preferred direct to the superintending authorities, previous examination & investigation to be made whether grounds exist for a regular and formal enquiry.

VIII. *First.*—Whenever any charge or information of the nature above described, shall be preferred direct to the Sudder Adawlut, it shall be the duty of that Court to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and likewise to make such further general enquiries on the subject, either by a reference to the public records, or by calling on the party accused, for an explanation of the alleged Acts of misconduct, or in any other mode which the nature of the case may suggest, as may be sufficient to satisfy the Court whether grounds exist for a regular and formal enquiry into the said charge or information, or otherwise.

Every Court of Civil judicature receiving such charges to examine the complaint on oath and transmit such deposition to the proper superintending authority.

Second.—In order at the same time to afford sufficient facilities to persons, who may have substantial grounds for complaint against any of the public European officers employed in the Judicial, Revenue, and Commercial departments, to obtain redress

dress of any real grievances, it shall be the duty of every Court of Civil Judicature, by which any public charge or information of the nature above described may be received, to examine the complainant, or informant, circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and transmit the deposition so taken to the Sudder Adawlut, for their further consideration, and for such further general enquiries as may be judged necessary for the purpose stated in the preceding clause.

Superintending authorities may dismiss frivolous or vexatious charges.

Third.—Should the Sudder Adawlut be of opinion that the charge or information is frivolous and vexatious, they shall merely inform the party that they do not see any substantial reason for entering further into the enquiry.

Superintending authorities to report to Government every case in which substantial grounds appear to exist for a regular enquiry.

Fourth.—Should the Sudder Adawlut be of opinion, after the general enquiries above noticed, that substantial grounds exist for making a regular formal enquiry into the truth of any public charge or information which may be preferred against any European officer subject to their control, they shall submit the documents on which their opinion may be grounded, together with a clear statement of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of a regular investigation, to the Governor in Council for his consideration and orders.

Should the Governor in Council concur in such opinion, he will appoint commissioners for making a regular enquiry.

IX. *First.*—Should the Governor in Council, on receipt of the report above described, concur thereto that a regular investigation should be made into the truth of the charge or information preferred against the person accused, he will appoint a commissioner or commissioners for the performance of that duty, who, previously to entering on the discharge of it, shall take the following oath before the Governor in Council, or any person commissioned to administer the same.

"I,

Oath of commissioner.

"I, A. B. appointed a commissioner under the provisions of Regulation A. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor, or bias, to the best of my ability, knowledge, and judgment."

So help me God.

The commission to be holden at the most convenient place.

Second.—The Governor in Council will at the same time order the commission so appointed, to be holden at such place as may be most convenient, and best adapted to the ends of justice.

General control over all commissions under this Regulation to be vested in the Court of Sudder Adawlut or Governor in Council, as the latter shall determine.

Sudder Adawlut empowered to instruct the commissioners on points not provided for when the control is vested in that Court.

X. *First.*—Whenever a special commission shall be appointed under the provisions of this Regulation, the Governor in Council will determine whether the commission shall be placed under the control of the Sudder Adawlut, or shall act immediately under the authority of Government: in the former case the commissioners are to apply to the Court of Sudder Adawlut for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other Regulation, and the Court abovementioned is empowered to pass such orders on the subject, as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice; provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to be advisable to make provision by a general Regulation, the said Court shall prepare the necessary draft of a Regulation for the purpose, and submit it to the Governor in Council, for his consideration.

Provision for submitting to Government any new Regulation which may appear advisable in such cases.

Governor in Council to issue instructions to commissioners under his control.

Second.—All commissioners appointed to act immediately under the authority of Government shall be guided by the instructions which they may receive in this behalf from the Governor in Council, and in cases where it may appear advisable to

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make provision by a general Regulation for the removal of all doubts and difficulties which may arise in the conduct of the investigation, the commissioners shall be competent to propose the draft of a Regulation for the purpose, and to submit it to the Governor in Council for his consideration and orders.

And commissioners in such cases to submit any new Regulation which may appear advisable.

Third.—Provided, however, that in any case wherein the commissioners shall entertain doubts of the intent or meaning of any provisions of this Regulation, they shall submit the point for the consideration of the Sudder Adawlut, and shall be guided by the determination passed by that Court.

Sudder Adawlut in all cases alone empowered to explain to commissioners the true meaning and intent of the Regulation, when doubts occur with respect to the construction to be put upon them.

Fourth.—Provided further, that whenever Government shall determine that the commission to be appointed under the provisions of this Regulation shall not be placed under the control of the Sudder Adawlut, such commission shall in no case consist of less than two persons, one of whom at least shall be selected from among the officers in the Judicial Department of the service.

Whenever commissioners are placed under control of the Governor in Council & not of the Sudder Adawlut, two shall be appointed, one of whom at least to be selected from the Judicial Department.

XI. Whenever a special commission may be appointed under the provisions of this Regulation for the investigation of charges exhibited against a public officer, the Governor in Council will determine, on a view of the nature & circumstances of the case, whether the accused shall be suspended from the discharge of the functions of his office; and if so, whether he should be permitted to draw the established allowances of his office, or otherwise.

Government will determine whether the accused shall be suspended or permitted to draw his established allowances.

XII. Whenever a charge shall be referred for investigation to a special commission, the Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the Governor in Council will nominate such person or persons as may be deemed proper, to bring the evidence in due order before the commission, to attend the proceedings, and conduct the prosecution on the behalf of Government.

Government will determine whether the prosecution shall be conducted by the accuser or otherwise.

XIII.

General duty of the commissioners on such investigation.

XIII. *First.*—It shall be the general duty of Commissioners appointed under this Regulation, after receiving the plaint, or charge, and this document from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges or defence; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

Breach of oath liable to the penalties of perjury.

Second.—The wilful and corrupt breach of the oath taken before any commission in virtue of the above clause, shall subject the offender to the same penalties to which the crime of perjury, as defined in Sections XIII. XIV. and XV. of Regulation III. A. D. 1802, is liable, of which the commissioners before whom the oath is administered shall previously apprize the witness.

Powers vested in the commission.

XIV. For the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a commission constituted under this Regulation, it shall be vested with the same powers as are exercised by the Zillah and City-Courts, and if a witness duly summoned shall not attend, or shall refuse to be sworn, or to give evidence, or to subscribe his deposition, provided in all cases that such evidence shall not tend to criminate himself, he shall be sent to the Judge of the Zillah Court to be confined as prescribed by the Regulations in similar cases in the several Courts of Judicature.

Accused & accusor to be at liberty to record observa-

XV. On the close of the evidence in support of the prosecution,

tion, and in defence of the Accused, he shall be at liberty to record any observations upon the result of the enquiry which he may think necessary for the vindication of his conduct and character; the Accuser, or person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

tions at the close of the evidence.

XVI. When the proceedings of the commission shall have been concluded, as soon afterwards as circumstances may admit, the commissioner or commissioners shall transmit to the Governor in Council, or Sudder Adawlut, as the case may be, the whole of the proceedings held, and documents received (accompanied with translations of papers not in the English language), together with a summary of pleadings and evidence, and his or their opinion on the merits of the case.

Commissioners to transmit proceedings, and report to the Superintending authorities on the merits of the case.

XVII. The Sudder Adawlut, when the commission shall be placed under that Court, after duly considering the proceedings and the report transmitted to it under the preceding section, and after calling for any further evidence which may appear obtainable and requisite, shall submit the whole of the proceedings and documents received, to the Governor in Council, with the opinion of the Court whether any and what facts charged against the party accused appear to have been established.

Proceedings and report to be submitted to Government by the superintending authorities as they may deem requisite; with their opinion thereon.

XVIII. The Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of the foregoing Sections XVI. and XVII., will pass such decision on the case, as may appear to him most consonant to the principles of justice and to the constitutional powers possessed by Government in matters of this description; provided, however, that if in any case it shall appear to the Governor in Coun-

Government will decide on the case, but such decision not to preclude persons deeming themselves aggrieved from seeking redress in the King's Court.

cil necessary that further evidence shall be taken, or that a further explanation be given by the commissioners of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor in Council to direct the commissioners accordingly; and the commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation as may be required; and in the event of the Governor in Council deeming it necessary that the party accused should be brought to trial by a public prosecution in the King's Court, he will issue the necessary instructions for that purpose to the Law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any of the public officers will be at all times at liberty to seek redress in the King's Court in the mode prescribed by Law.

How applications for reimbursement of expenses incurred in such cases, are to be preferred and decided upon.

XIX. In cases in which it shall appear on a full investigation of the merits of the case, that the charges on complaints preferred against any of the European officers abovementioned, are well founded, the person by whom they may have been preferred, shall be at liberty to submit an application to the Governor in Council, or the Sudder Adawlut, praying a reimbursement of the expense which may have been incurred by him in the conduct of the prosecution; and when such petition may be presented to the latter, it shall be forwarded to Government, with their opinion as to the propriety of indemnifying the party for the expense so incurred, or otherwise. The Governor in Council will of course on receipt of any such reference, as well as on direct applications being made, consider and determine whether it be advisable to comply with the application in question; but it is to be clearly understood, that Government does not pledge itself to indemnify any person for the expense which

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may be incurred on occasions of the above nature, whatever may be result of the investigation, except in cases in which the Governor in Council, in the exercise of a sound discretion, may deem it proper and expedient to do so.

A. D. 1819. REGULATION V.

A REGULATION *to modify and extend the rules in force which prescribe an oath of office to be taken by certain Native officers; to explain and amend other provisions relative to the Native Ministerial officers and Law officers of the Civil and Criminal Courts; and for extending the principles of Regulation IV.* 1819, *to the Native servants of every denomination.*—**PASSED** *by the Governor in Council of Bombay, on the* 14*th of July* 1819, *corresponding with the* 7*th Assad Vud, Sumbut or Vekramajit Era* 1875; *Salbahan* 1741; *and* 20*th Ramzan* 1234 *of the Hijree.*

WHEREAS with a view to maintain the sanctity and obligation of an oath by confining the requisitions of it to cases in which an oath may be necessary for the validity of evidence and due administration of justice, it appears expedient to modify the rules in force which prescribe an oath of office to be taken by certain Native officers of Government, and to extend it to others; at the same time explaining and amending the existing provisions for civil actions against the law officers and ministerial Native officers of the Courts of Judicature

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in cases of alledged corruption and extortion: and WHEREAS it is proper that the same provisions should extend to all enquiries ordered by Government into the conduct of any of it's Native servants, which are enacted by Regulation IV. A. D. 1819, for enquiries into the conduct of European servants, the following rules have been enacted, to be in force as soon as promulgated throughout the territories dependent on the presidency of Bombay.

Rules in force respecting a prescribed oath to be taken by certain Native officers, declared subject to modification.

II. *First.*—Such parts of the Regulations in force as direct that the law officers, or ministerial officers of the Courts of Judicature, civil or criminal, shall take and subscribe an oath previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed; or which, in like manner prescribe an oath of office to be taken by the Moonsiffs and Sudder Aumeens, and by the Native pleaders attached to the civil Courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases.

Second.—Instead of the prescribed oath, which is required by the Regulations in force, the several Native officers referred to in the above clause, shall hereafter make and subscribe, in open Court before the Judges, a solemn declaration to the same effect with the form of oath heretofore prescribed, except, that the word "declare" shall be substituted for "swear" and that the declarer shall not be sworn thereto.

By whom such declarations to be attested, and the above rule to be enforced.

Third.—The Judges before whom such declarations are required to be made and subscribed, shall attest the same as publickly read and subscribed before them, in pursuance of the above clause, and shall be careful to enforce a due observance of the rules therein contained by the Native officers appointed to act under them respectively.

To what Native officers the rules so modified are meant to extend.

III. With the modification contained in the preceding Section,

tion, the rules in force, which require that certain Native officers attached to the civil and criminal Courts of Judicature shall take and subscribe an oath solemnly engaging to perform the duties of the Office committed to them faithfully and uprightly according to the Regulations, are hereby declared to extend to the Native record keepers and tehouldars, or Native treasurers of the civil and criminal Courts, though not specifically named in Section IV. Regulation IV. 1800, as well as to all the other Native officers of Government employed in the Judicial, Revenue, or Commercial departments, or in any public office whatever, holding any situation of trust and responsibility in the public service.

Provisions for an oath to be taken half yearly by the Mohommedan Law officers of the civil & criminal Courts rescinded.

IV. The second clause of Section V. Regulation V. 1800, and Section VI. Regulation VIII. 1812, with any other provisions in the existing Regulations which require Mohommedan and Hindoo Law officers of the civil or criminal Courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Explanation of provisions in force for a civil action against the Law officers and ministerial Native officers of the Courts of Judicature in cases of alledged corruption or extortion.

V. *First.*—In explanation of the provisions for civil action against the law officers and ministerial Native officers of the Courts of Judicature, contained in Regulations IV. and V. 1800, it is hereby declared that those provisions, the principal object of which is to enable individuals who may be aggrieved by any of the Native officers in question, to obtain redress by an action in the civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

In what cases a Law officer or ministerial Native officer may be prosecuted in the criminal Courts on a charge of corruption, extortion, or embezzlement.

Second.—Whenever a law officer, or ministerial Native officer may not by the result of a civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient grounds

grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion, or embezzlement, he is hereby declared liable to a criminal prosecution before the criminal Judge and Court of Circuit, as provided for in other cases of misdemeanor by the Regulations, and on conviction before a Court of Circuit, or the Court of Superior Tribunal, he shall be subject to discretionary punishment to the extent, and under the provisions stated in Section III. Regulation VIII. 1813, with respect to Native officers convicted of making use of the public money intrusted to their care.

And to what penalties liable on conviction.

Third.—Section VIII. of the Regulation above mentioned, directing a report of convictions and sentences to be made to the Governor in Council for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present section.

Report to be made to Government in such cases.

VI. *First.*—The Regulations in force not containing any provision for a summary proceeding to inquire into and recover embezzlements of money, or other property paid into or deposited in the civil or criminal Courts of Judicature, or received by the Nazir, Khazanchy or other Native officers of those Courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the Native officers of the civil or criminal Courts to deliver up any public accounts which may have been kept and withheld by them; the following rules are enacted for this purpose.

Proceeding to be adopted for the recovery of money or property deposited in the civil and criminal Courts and embezzled by the Native officers.

Second.—Whenever any Native officer attached to a civil or criminal Court may be charged with having embezzled any money

A summary enquiry to be instituted in such cases by the Judge or Judges of the Court.

money or other property paid into, or deposited in the Court to which he is attached, or received by him in his official capacity in execution of a decree, or on account of a deposit, or any other account whatever, or whenever the Judge or Judges of a civil or criminal Court may have reason to suspect any such embezzlement on the part of a Native officer attached to the Court, they shall immediately institute a summary enquiry to ascertain the truth of such charge or suspicion, and shall at the same time, require the Native officer accused or suspected, to give sufficient security for his attendance during the enquiry. In the event of such security not being given, and of it's appearing necessary to keep the officer in custody pending the enquiry, it shall be competent to the Judge or Judges to order the same, and to keep the party in custody of peons or to confine him in the Jail of the Zillah until he shall give the required security, or his detention appear no longer necessary.

Security to be required for the attendance of the Native officers.

Or the officer to be kept in custody.

Third.—When the summary enquiry has been completed, if it be established thereby that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he shall be required to pay the same into Court, within such time as may be limited for that purpose; and on his failure to comply with such requisition, it shall be recoverable from him as well as from his surety if he shall have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the Civil Courts.

On proof of embezzlement the amount how to be recovered.

Fourth.—A similar mode of proceeding shall be observed when a Native Officer attached to any civil or criminal Court of Judicature, may withhold any public accounts which it is his duty to prepare and furnish; and the summary judgment in such cases shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government

The same course to be pursued when public accounts may be withheld by Native officers.

ment as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

A summary appeal may be admitted by the provincial Court from decisions passed in such cases by the Zillah & City Judges.

Fifth.—Any person dissatisfied with the judgment of the Zillah Court given under the provisions of this section, shall be at liberty to prefer a summary Appeal thereupon to the Provincial Court; and provided sufficient security be given for performing the decree of the Provincial Court on the Appeal, the decision of the Zillah Court shall not be carried into execution till confirmed by the Provincial Court.

And by the Sudder Adawlut from the decisions of provincial Courts.

Sixth.—In like manner, if the original summary judgment be passed by the Provincial Court, a summary Appeal shall lie to the Court of Sudder Adawlut; and the decree of the Provincial Court shall not be executed till it is affirmed by the Sudder Adawlut, if sufficient security be given to perform the judgment of the latter Court on the Appeal.

Proviso

Seventh.—Provided, however, no final summary judgments, given under the provisions of this section, shall be open to a further regular suit; but shall be held conclusive, upon the merits of all cases so adjudged.

Commissioners to be appointed, and to enquire into the conduct of all Natives in the same manner as is provided for by Regulation IV. A. D. 1819, in respect to European servants.

VII. *First*—Whenever it shall be expedient or necessary that a general previous enquiry into the conduct of any Native servants of Government shall be entered upon, it shall be competent (under the special authority of Government for that purpose) to any Commissioner or Commissioners appointed by Government, to conduct the same under the rules prescribed by Regulation IV. A. D. 1819, for enquiring into the conduct of European servants, which are hereby declared applicable to them.

Native officers of Government to be prosecuted in the Courts of

Second.—Provided, however, that the prosecutions which may ultimately take place against Native public officers of Government,

ment, shall be laid in the established Courts of Judicature within the jurisdiction in which they may reside, or have been employed.

the jurisdiction wherein they reside or have been employed.

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A. D. 1819. REGULATION VII.

A REGULATION *to amend a part of Section* III. *Regulation* III. 1819, *defining the Jurisdiction to which the ceded and conquered territories recently annexed to the Bombay Presidency shall be subject.*—PASSED *by the Right Hon'ble the Governor in Council on the 4th day of August* 1819, *corresponding with the* 13*th Shravan Sood, Sumbut or Vekramajit Era* 1875; *Salbahan* 1741; *and* 12*th Shaval* 1234 *of Hyree.*

Preamble.

WHEREAS by Clause II. Section III. Regulation III. 1819, sixteen villages dependent on the Purgunna of Dholka, and situated East of the Saburmatty river, have been annexed to the Western Zillah North of the Myhee; and WHEREAS it will be conducive to the better administration of these villages to annex them to the Eastern Zillah and thereby preserve the line of boundary between the two Zillahs as formed by the Saburmatty river; the following enactment has been passed, to have effect from the same date as Regulation III. 1819.

Part of clause 2 Section III. Regulation III 1819 rescinded, and the sixteen villages in the Dholka Purgunnah thereby annexed to Western, made a part of the Eastern Zillah North of the Myhee.

II. So much of Clause II. Section III. Regulation III. 1819, which directs that the portion of the Dholka Purgunna, being sixteen villages, situated to the East of the Saburmatty river shall form a part of the Western, or Ahmedabad Zillah, is hereby rescinded; and the said sixteen villages are hereby annexed to the Eastern Zillah North of the Myhee.

A. D. 1819. REGULATION VIII

A REGULATION *for modifying some of the existing rules relative to the requisition of security for good behaviour, and for prescribing rules for the guidance of the Courts of criminal Judicature, in cases when persons held to bail may not attend, and when sureties for the good behaviour of individuals have failed in their engagements.* —PASSED *by the Right Hon'ble the Governor in Council of Bombay on the* 1*st of September* 1819, *corresponding with the* 12*th Bhadrapud Sood, Sumbut or Vekramjit Era* 1875; *Salbaham* 1741; *and* 10*th Zilkaad* 1234 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to define the powers to be exercised in future by the Criminal Courts, in requiring security for the good behaviour of persons of a suspicious livelihood, or of notoriously bad and dangerous character: and WHEREAS it is necessary to prescribe rules for the guidance of the Criminal Courts in respect to the manner in which they are to proceed, when persons held to bail may not attend before the Court of Circuit; and also to render them applicable

plicable to cases wherein the sureties of persons for good behaviour may be liable to the forfeiture of their recognizance—The following rules have been passed, to take effect from the date of their promulgation throughout the Provinces subject to the Presidency of Bombay.

Nature of the order to be passed by the Criminal Courts on requiring security for good behaviour, from persons of notoriously bad character.

II. In every instance in which security for good behaviour may be hereafter required, whether by the Zilla Magistrates, Criminal Judges, the Court of Circuit; or the Superior Tribunal, the amount of the security, the number of sureties (to be fixed at the discretion of the Magistrate or of the Court requiring the security), and the period of time for which the sureties are to be responsible for the good conduct of the prisoner, shall be fixed and determined.

Period of time for the eventual detention of such prisoners, to be fixed.

III. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber of a character so dangerous as to render his release without security, evidently unsafe and objectionable.

Exception.

Criminal Judge empowered to release prisoners although the security be not furnished, if the order of detention shall have been passed by persons exercising the functions of Magistrate.

IV. *First.*—The Criminal Judges are hereby empowered, at all times, to exercise their discretion in releasing without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person discharging the functions of a Magistrate; provided the Criminal Judges shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

But not to exercise that authority if the order shall have been passed by the Courts of Circuit or by the Superior Tribunal.

Second.—In cases in which a Criminal Judge may, for whatever reason, be of opinion that any prisoner confined under requisition of security, for good behaviour, by order of a Court of Circuit, or of the Superior Tribunal, can be safely released

without

without such security, the Criminal Judge shall either bring the case before the Court of Circuit at the next ensuing Jail delivery, as prescribed in Section XVII. Regulation IX. 1812, or shall make an immediate report of the case with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

Limitation with regard to the removal of prisoners confined for security, from one district to another.

V. *First.*—No prisoner detained under requisition of security in the Zillah in which he has been accustomed to reside, or in which he may have been apprehended, shall be removed to the Jail of a different Zillah, unless the Superior Tribunal shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Exception to the foregoing rule.

Second.—The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may, in the judgment of the Superior Tribunal, render that measure necessary or advisable.

On what conditions sureties may be discharged from their responsibility.

VI. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may at all times obtain a discharge from their future responsibility by delivering up, or causing to be delivered up, the persons for whom they may have become resposible, to the proper authority or police officer; & that they will not be made responsible for the amount of the security bond in cases in which they may give timely information to the Magistrate or Criminal Judge of the Zillah, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the Magistrate, for the apprehension and surrender of such individuals.

The period of detention for security in ordinary cases, decided by the Magistrate not to exceed one year.

VII. *First.*—Whenever the Criminal Judges under the authority vested in them, by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order, for the release of the prisoner at the end of a definite period not exceeding twelve months.

The Judge of Circuit holding the Sessions may examine the proceedings of the Magistrate in such cases, on petitions presented to him by the prisoners.

And may annul, modify, or confirm the orders of the Criminal Judge.

Second.—It shall not be necessary for the Judge of Circuit holding the Sessions, to revise the proceedings of the Criminal Judge in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the Sessions is directed and empowered to call for the proceedings, and on his own authority to annul, modify, or confirm the orders of the Criminal Judge.

Criminal Judge, how to proceed in cases in which it may appear unsafe to release, without security, prisoners of highly dangerous character, at the expiration of the period above limited.

VIII. *First.*—In all other cases in which the Criminal Judge may be of opinion, from the evidence to general character adduced before him, that the prisoner is by habit a robber, burglar or thief, or a vender or receiver of stolen property knowing the same to have been stolen, of a character so desperate, dangerous, or irreclaimable, as to render his release without security, at the expiration of the limited period of twelve months above specified, hazardous to the community; the Criminal Judges shall record his opinion to that effect, with an order specifying the amount of security which should in his judgment be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

If due security be not furnished by the prisoner before the next Sessions, the proceedings in the case to be laid before the Judge of Circuit.

Second.—If the prisoner shall not furnish the security so required, before the next Sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who, after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority to pass orders on the case, either

confirming,

confirming, modifying, or annulling, the orders of the Criminal Judge, as he may deem proper and equitable.

Orders to be passed by the Court of Circuit if it shall not appear safe to direct the immediate discharge of such prisoners.

Third.—In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for his provisional detention (in the event of the prisoner not giving the security required from him), which period shall never exceed three years, except in the cases hereafter specified.

Orders to be passed by the Court of Circuit, if the prisoner shall appear to be a notorious robber.

IX. *First.*—In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious robber of desperate or dangerous character, whom it would be unsafe to set at liberty without a substantial security for his future good behaviour, and who, therefore, in default of giving such security, should be confined indefinitely, he shall declare and order the same accordingly.

Further provisions for such cases.

Second.—In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order that if the prisoner shall not be able to furnish the security required within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit who may hold the Sessions of jail delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further enquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms favourable to the prisoner.

Rule to encourage respectable individuals to become sureties for such prisoners.

Third.—With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing clauses of this section, the period for which the sureties are to be responsible for the good behaviour of individuals

dividuals, shall be, in all cases, limited to three years, subject however to the condition, that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the Criminal Judge.

Rules to encourage respectable individuals, to become sureties for such prisoners.

Fourth.—When individuals shall be surrendered by their sureties under the foregoing rule, the Criminal Judge shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years; and in the event of the surety being willing to become again responsible for the conduct of the prisoner, the Criminal Judge shall accept the security, and release the prisoner on the same terms as before.

Ditto, Ditto.

Fifth.—If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the Criminal Judge shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the Judge of Circuit for such further orders, as he may consider it proper to pass in the case.

Criminal Courts, how to proceed when persons held to bail may not attend before the Court of Circuit.

X. *First.*—Whenever a person held to bail for his appearance before a Court of Circuit shall neglect to attend at the appointed time, the Criminal Judge shall call upon his surety or sureties to produce him, & on their failure, shall report the case, with reasons assigned by the surety or sureties for the non-fulfilment of their engagement, to the Judge of the Court of Circuit holding the session of jail delivery, who will determine, and instruct the Criminal Judge whether the penalty of the security bond shall be immediately enforced, or whether a further time shall be allowed to the surety or sureties to produce the person for whom they are responsible.

Rules for recovery of the penalty from the surety or sureties.

Second.—When the Judge of Circuit, on consideration of the report of the Criminal Judge, shall direct the enforcement

of

of the security bond, the Criminal Judge shall proceed to recover the amount of the penalty from the surety or sureties by the attachment and sale of any property belonging to them, in the mode prescribed for the satisfaction of the decrees of the Civil Court; or if the amount demandable from the surety or sureties, be not paid, and cannot be realized from any property belonging to them, they shall be liable to confinement by order of the Criminal Judge, in the Civil Jail of the station, during a period not exceeding six months.

Courts to proceed in same manner, when sureties for good behaviour have forfeited their recognizance.

XI. The rules contained in the foregoing section are hereby also declared applicable to cases wherein the surety or sureties for the good behaviour of a person, may have failed in their engagement, so as to make them liable to the forfeiture of their recognizance.

A. D. 1819. REGULATION IX.

A REGULATION *for amending and modifying certain provisions of the Regulations in force relating to the administration of Criminal Justice.* —PASSED *by the Hon'ble the Governor in Council of Bombay on the* 17*th of November* 1819, *corresponding with the* 15*th of Kartick Vud, Sumbut or Vekramajet Era* 1876; *Salbahan* 1741; *and the* 28*th of Mohurrum* 1235 *of the Hijree.*

Preamble.

WHEREAS serious inconvenience has been found to arise under the operation of the rule which disqualifies Servants of the Government from attesting confessions, or confirmations of former confessions made before the officers of justice, by persons charged with the commission of criminal acts; it has therefore been deemed expedient, in order to facilitate the administration of public justice, that such disqualifications should be removed: and whereas other modifications and additions have been judged necessary to be made to the existing Regulations relating to the administration of Criminal Justice; the following rules have therefore been passed, to be in force from the date of promulgation.

Certain provisions of Regulation III.

II. Such parts of Section XXIV. Regulation III. of 1818, and

and IV. of 1818 rescinded.

and Clause third Section XXVI. Regulation IV. of 1818, as prohibit persons being Servants of the Government from attesting confessions made by prisoners before Magistrates of Zillas or Koomasdars; and such parts of Section L. Regulation III. 1818, as prohibit persons being Servants of the Government from attesting confessions or confirmations of former confessions made by prisoners before the Criminal Judges of Zillas, are hereby rescinded.

Modification of part of Section XX. Regulation III. of 1818.

III. In modification of the provisions contained in Section XX. Regulation III. of 1818 regarding the payment of specific rewards, it is hereby enacted, that all specific rewards offered for the apprehension of persons proclaimed by name, shall be payable on the delivery of the persons so proclained to the Zilla Magistrate or Criminal Judge by whom the proclamation may have been issued, or the Zilla Magistrate or Criminal Judge in whose jurisdiction they may have been apprehended.

Sec. XLIII. and XLIV. of Regulation IV. of 1818 rescinded.

IV. Section XLIII. and XLIV. Regulation IV. of 1818 are hereby rescinded.

Police officers liable to a civil action or criminal prosecution for abuse of authority.

V. *First.*—For extortion, oppression or other abuse of authority, all native officers of Police shall be liable to be sued in the Civil Court or to be prosecuted in a Court of Criminal Judicature.

Extent to which Police officers may be punished by a Zilla Magistrate for abuse of authority.

Second.—Whenever a charge of this nature may be preferred before a Zilla Magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty rupees, or by imprisonment for a term not exceeding one month.

Cases in which they are to be forwarded to the Criminal Judges.

Third.—In all cases wherein the measure of punishment specified in the preceding clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge to

be

be by him dealt with according to the general Regulations.

Criminal Judges empowered in Cases of theft to adjudge to hard labor for the prescribed term of imprisonment.

VI. *First.*—In addition to the powers of punishment vested in the Criminal Judges by Clause First Section XLVII. Regulation III. of 1818, it shall be competent to them, in cases of theft, to adjudge hard labour during the prescribed term of imprisonment, whenever it may be deemed necessary.

Powers of Junior Assistants to the Criminal Judges explained.

Second.—The Senior Assistants to the Criminal Judges having co-extensive judicial powers with the Criminal Judges, it is hereby explained that the second and third clauses of the Section quoted in the above clause are solely applicable to the Junior Assistants to the Criminal Judges.

Sec. II. VI. Reg. III. of 1818 rescinded.

VII. *First.*—Section LVI. Regulation III. of 1818 is hereby rescinded.

Depositions to be taken & written in the language of the Zilla or in that with which the party is most conversant. Papers to be accompanied with translations in English in cases of commitment only.

Second.—All examinations and depositions are to be taken and written in the language usually spoken in the country or in that with which the party may be most conversant; and the Criminal Judges shall, in all cases of commitment and in such cases only, accompany all papers written in the native languages with translations in the English language attested by themselves, and for the accuracy of which they are declared to be responsible.

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A. D. 1819. REGULATION X.

A REGULATION *for amending Regulation I. 1812, for the trial of persons charged with crimes against the State.*—PASSED *by the Governor in Council on the 24th of November* 1819, *corresponding with the 7th Magseer Sood Sumbut, or Vekramajet Era* 1876; *Salbahan* 1741; *and the 5th Suffer* 1235 *of the Hijree.*

WHEREAS in the enactment at this Presidency of Regulation I. 1812, the provisions of Regulation IV. 1799 of the Bengal Code were adopted, without adverting to the principles which distinguish the Bombay system of judicature in the trial of prisoners, according to the law of their religion, by declaring that a special Court for the trial of persons charged with crimes against the State, shall be formed of three Judges "and two Mahomedan Law Officers," thereby excluding the Hindoo Law Officers in the trial of prisoners of that religion; and WHEREAS it is expedient to render the provisions of Regulation I. 1812 conformably to the principles which govern the administration of Criminal law by the Bombay Code, the following enactment has been passed.

Such parts of Regulation I. 1812 which provide for a special Court for the trial of crimes against the State being composed of

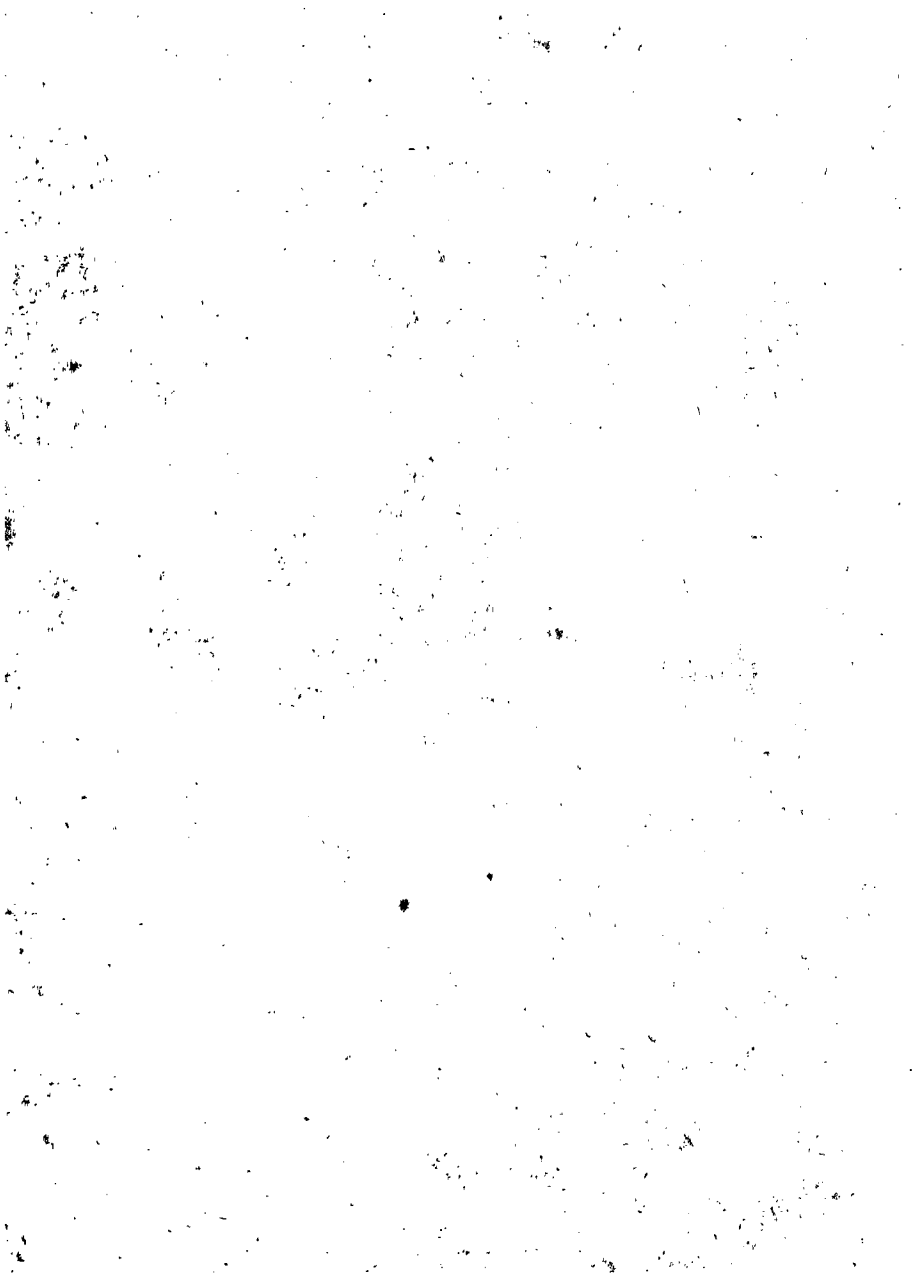
II. Such parts of Regulation I. 1812 which provide for a special Court for the trial of crimes against the State, being composed

two Mahomedan or other Native Law Officers as Judges of that Court, rescinded.

composed of two Mahomedan or any Native Law Officers whatever as Judges of such special Courts, are hereby rescinded.

To consist in future of three Judges, or such other number as may be thought proper, assisted by two Mahomedan, or two Hindoo Law Officers, according to the persuasion of the persons to be tried, as expounders of the law, previously taking an Oath.

III. Whenever the Governor in Council shall think proper to appoint a special Court, not being the Court of Circuit, for the trial of persons charged with crimes against the State, such special Court shall consist of three Judges, or such other number as may be thought proper, to be assisted by two Mahomedan or two Hindoo Law Officers, according to the persuasion of the person or persons to be tried, to expound their respective Laws to the Court, or by such other number of Law Officers as may be thought proper. Such Law Officers shall be specially appointed by Government; and previously to entering upon the duties of their Office, they shall take and subscribe before the Court, an Oath similar to that prescribed for the Law Officers of the Court of Circuit in Section V. Regulation VIII. 1812.



TITLES OF THE REGULATIONS,

Passed in the Year

1819.

REGULATION

I.

A REGULATION *for the support of the Police in the Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the powers of the Civil and Military officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars.—Passed on the 25th of February* 1819.

II.

A REGULATION *for amending part of Section* IX. *Regulation* XIV. *A. D.* 1802 *entitled a Regulation for the appointment of Vakeels or Native Pleaders in the Civil Courts. Passed on the* 10*th March* 1819.

III.

A REGULATION *for defining the Jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject; for introducing the Laws and Regulations for the administration of Justice and collection of the Revenues into those Territories; and for modifying such parts of the existing Regulations, as relate to the periodical Jail Deliveries. Passed on the* 14*th April* 1819.

IV.

A REGULATION *to amend the existing rules for receiving Complaints in the Zillah Courts, against Collectors of the Land Revenue and Customs, Commercial Residents and other European Public Officers, amenable*

nable to those Courts, for acts done in their official capacity in opposition to any published Regulation; and to make provision for a special enquiry, in certain cases of charge or information against any such officers. Passed on the 14th of July 1819.

V.

A REGULATION *to modify and extend the rules in force which prescribe an Oath of Office to be taken by certain Native Officers; to explain and amend other provisions relative to the Native Ministerial Officers and Law officers of the Civil and Criminal Courts; and for extending the principles of Regulation* IV. 1819 *to the Native Servants of every denomination. Passed on the 14th July* 1819.

VI.

A REGULATION *for rescinding such part of Section* XL. *Regulation* IV. *of* 1818 *as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside. Passed on the 14th July* 1819.

VII.

A REGULATION *to amend a part of Section* III. *Regulation* III. 1819 *defining the Jurisdiction to which the ceded and conquered Territories recently annexed to the Bombay Presidency shall be subject. Passed on the 4th of August* 1819.

VIII.

A REGULATION *for modifying some of the existing Rules relative to the requisition of Security for good behaviour and for prescribing rules for the guidance of the Courts of Criminal Judicature in cases, when persons held to bail may not attend, and when Sureties for good behaviour of Individuals have failed in their engagements. Passed on the 1st of September* 1819.

IX.

A REGULATION *for amending and modifying certain provisions of the*

REGULATION.

the Regulations in force relating to the administration of Criminal Justice. Passed on the 17th of November 1819.

X.

A REGULATION *for amending Regulation* I. 1812 *for the trial of persons charged with Crimes against the State. Passed on the 24th of November* 1819.

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CANTONMENTS AND MILITARY BAZARS.			
The powers of the civil and military officers in support of their police defined, ...	I.	I.	
Limits to be fixed, ...	—	—	
The support of the police, and the maintenance of the peace within the limits, vested in officers commanding the troops, ...	—	II.	
Commanding officers to adopt measures for preventing thefts and public crimes within the limits, ...	—	—	*First.*
Commanding officers, or others acting under their authority, not to interfere with respect to assaults and petty affrays, ...	—	—	*Second.*
Persons apprehended, to be delivered to the Criminal Judge or Magistrate of the district, and how to be proceeded against, ...	—	—	*Third.*
Complaints			

CANTONMENTS AND MILITARY BAZARS—*Continued.*	*Regulation*	*Section*	*Clause*
Complaints against individuals residing within the limits, to be preferred to the Magistrate, ..	I.	III.	*First.*
Criminal Judges and Magistrates, how to proceed on such cases, ...	——	——	——
To issue warrants and summons against persons residing within the limits, ...	——	——	*Second.*
Commanding officers to protect the officers of the civil authorities in the discharge of their duties,	——	——	——
Limits to be fixed by commanding officers in concert with the Criminal Judge or Zillah Magistrate, ...	——	IV.	
Commanding officer to report the same, with remarks from the Criminal Judge or Magistrate, for the final orders of Goverment, ..	——	——	
The above rules made applicable to all cantonments, ...	——	V.	
CEDED AND CONQUERED DISTRICTS.			
The jurisdiction defined to which the territory ceded by the Guicowar under the treaty of 6th November 1817, and territory conquered from the Paishwa, shall be subject, ...	III.	I.	
Laws and Regulations for the administration of justice therein, and for the collection of the revenue, introduced, ...	——	——	
Part of Section III. Regulation VI. 1817, relating to the annexation of Dhubhoy and Bhadarpoor to Broach, and Soulee to Kaira, rescinded, ...	——	II.	
Section V. Regulation II. 1805 constituting the Kaira Zilla, rescinded, ...	——	III.	*First.*
The territories situated north of the Myhee devided into two Zillahs; and denominated Ahmedabad or Western Zillah, and Eastern Zillah north of the Myhee, ...	——	——	——
What to constitute the former, ...	——	——	*Second.*
What the latter, ...	——	——	——
Records belonging to the Western Zillah to be transferred to it, ...	——	IV.	*First.*
Zillah court to proceed in suits transferred, in the same manner as if instituted in the first instance, ...	——	——	
The same principle to apply within the Eastern Zillah, ...	——	——	*Second.*

Civil

CEDED AND CONQUERED DISTRICTS *Continued.*	*Regulation*	*Section*	*Clause*
Civil and criminal prisoners in the jail at Kaira to be transferred to the Zillah to which they may belong, ...	III.	IV.	*Third.*
All acts of the Judicial and Revenue Officers up to the date of the enactment of Regulation III. 1819, legalized, ...	——	V.	
The Purgunnas of Oolpar and Turkeyser, and Cusba of Mota, and Purgunna of Bugwara, annexed to the Zillah of Surat, ...	——	VI.	
The Village of Mugdalla and lands in the Village of Peplod, annexed to the Zillah of Surat,	——	VII.	
Regulation I. 1811, XI. 1814, IV. and XII. 1815, rescinded, ...	——	VIII.	
Annexation of territory to the Northern Concan Zillah, ...	——	IX.	*First.*
Territories in the Southern Concan created a Zillah, ...	——	——	*Second.*
To be designated the Southern Concan Zillah, including Fort Victoria and Malwan, ..	——	——	——
Records from Malwan and Fort Victoria transferred to the Zillah of the Southern Concan,	——	X.	*First.*
Zillah Courts to proceed in suits transferred as if they had been originally instituted in such Courts, ...	——	——	——
The Civil and Criminal Prisoners of Malwan and Fort Victoria transferred to the Sudder station, ...	——	——	*Second.*
Sudder Adawlut to transfer to the Court of Appeal, Appeals pending from Malwan and Fort Victoria, ...	——	——	*Third.*
The Court of Appeal to proceed as in Appeals originally instituted in their Court, ..	——	——	——
Dates from which the laws and Regulations have effect in the cessions and conquests, ..	——	XI.	
Civil Claims originating twelve years antecedent to the cession and conquests, not cognizable by Civil Courts, ...	——	XII.	
Limitation of the operation of Regulation III. 1814, prescribed, ...	——	XIII.	
Operation of Section XIII. Regulation XIV. 1815, limited, and public notice to be given,	——	——	
Crimes committed previous to the date of cession or conquest, not cognizable by the Criminal Courts, ...	——	XIV.	

Collectorship

CEDED AND CONQUERED DISTRICTS *Continued.*	*Regulation*	*Section*	*Clause*
Collectorship of the Northern Concan declared to be co-extensive with the jurisdiction of the Zillah Court, ...	III.	XV.	
Certain parts of Section VIII. Regulation VIII. 1812, providing for three Circuits in each year, rescinded, ...	——	XVI.	*First.*
Two Circuits established in each year, ..	——	——	*Second.*
Exception, ...	——	——	——
Jail deliveries to be held quarterly in the Zillah of Surat, ...	——	XVII.	
In what manner and at what periods the Jail deliveries are to take place, ...	——	XVIII.	
Amendment of a part of Section III. Regulation III. 1819, defining the jurisdiction to which the ceded and conquered territories shall be subject, ...	VII.	I.	
Part of Clause 2d Section III. Regulation III. 1819, rescinded; and the sixteen villages in the Dholka Purgunna thereby annexed to the Western, made a part of the Eastern Zillah north of the Myhee, ...	——	II.	
CIVIL JUDICATURE.			
Extended to lately acquired territories (See CEDED AND CONQUERED DISTRICTS).			
COMMANDING OFFICERS.			
Their powers in matters of police within cantonments and Military Bazars (See CANTONMENTS AND MILITARY BAZARS).			
CONCAN, NORTHERN.			
Limits of the Zillah extended (See CEDED AND CONQUERED DISTRICTS).			
CONCAN, SOUTHERN.			
The Zillah created (See CEDED AND CONQUERED DISTRICTS).			

	Regulation	Section	Clause
COURT OF APPEAL.			
Jurisdiction extended to lately acquired territories (See CEDED AND CONQUERED DISTRICTS).			
COURT OF CIRCUIT.			
Jurisdiction extended to lately acquired territories (See CEDED AND CONQUERED DISTRICTS).			
Certain parts of Section VIII. Regulation VIII. 1812 providing for three Circuits in each year, rescinded, ...	III.	XIV.	*First.*
Two Circuits established in each year, ..	——	——	*Second.*
Exception, ...	——	——	——
Jail deliveries to be held quarterly in the Zillah of Surat, ...	——	XVII.	
In what manner and at what periods the Jail deliveries are to take place, ...	——	XVIII.	
May examine proceedings of Magistrates in requiring security for good behaviour, or discharging prisoners from the same, and may annul, modify, or confirm the same, ..	VIII.	VII.	*Second.*
When security by notorious offenders is not furnished when required, the Criminal Judge will lay the case before the Sessions, ..	——	VIII.	*Second.*
How to proceed if immediate discharge is unsafe,	——	——	*Third.*
Ditto Ditto if a notorious robber, ..	——	IX.	
How to proceed on non-attendance of persons held to bail by the Court, ...	——	X.	
Ditto on forfeiting recognizance for good behaviour, ...	——	XI.	
CRIMINAL JUDICATURE.			
Extended to lately acquired territories (See CEDED AND CONQUERED DISTRICTS).			
Existing Rules for receiving complaints against public Officers of Government amended (See OFFICERS, PUBLIC, EUROPEAN). (See OFFICERS, PUBLIC, NATIVE).			
Criminal Judge's powers over persons residing within Military cantonments and Bazars (See CANTONMENTS AND MILITARY BAZARS).			
Regulations providing for the number of Circuits modified (See COURT OF CIRCUIT).			
Rules			

CRIMINAL JUDICATURE—*Continued.*	*Regulation*	*Section*	*Clause*
Rules relative to the requisition of security for good behaviour, modified; and rules prescribed for the guidance of Criminal Court on non attendance of bailed persons, and on failure of the engagements of sureties for good behaviour, ...	VIII.	I.	
Nature of the order to be passed by the Criminal Court on requiring security for good behaviour, from persons of notoriously bad character, ...	——	II.	
Period of time for the eventual detention of such prisoners to be fixed, ...	——	III.	
Exception, ...	——	——	
Criminal Judge empowered to release prisoners although the security be not furnished, if the order of detention shall have been passed by persons exercising the functions of Magistrate, ...	——	IV.	*First.*
But not to exercise that authority, if the order shall have been passed by the Courts of Circuit, or of the Superior Tribunal, ..	——	——	*Second.*
Limitation with regard to the removal of Prisoners confined for security, from one district to another, ...	——	V.	*First.*
Exception to the foregoing rule, ...	——	——	*Second.*
On what conditions sureties may be discharged from their responsibility, . ..	——	VI.	
The period of detention for security in ordinary cases decided by the Criminal Judge, not to exceed one year, ...	——	VII.	*First.*
The Judge of Circuit holding the Sessions may examine the proceedings in such cases, on Petition of the prisoner, ...	——	——	*Second.*
And may annul, modify or confirm the orders of the Criminal Judge, ...	——	——	——
Criminal Judge, how to proceed in cases in which it may appear unsafe to release, without security, prisoners of highly dangerous character, at the expiration of the period above limited, ...	——	VIII.	*First.*
If due security be not furnished before the next Sessions, the proceedings to be laid before the Judge of Circuit, ...	——	——	*Second.*
Orders to be passed by that Court if it shall not appear safe to direct the immediate discharge of such prisoners, ...	——	——	*Third.*

Orders

CRIMINAL JUDICATURE—*Continued.*	*Regulation*	*Section*	*Clause*
Orders to be passed by the Court of Circuit if the prisoner shall appear to be a notorious robber, ...	VIII.	IX.	*First.*
Further provisions for such cases, . ..	——	——	*Second.*
Rules to encourage respectable individuals to become sureties for the good behaviour of prisoners, ...	——	——	*Third.* *Fourth.* *Fifth.*
Criminal Court how to proceed when persons held to bail may not attend before the Court of Circuit, ...	——	X.	*First.*
Rules for recovery of the penalty from the surety or sureties, ...	——	——	*Second.*
Courts to proceed in same manner when sureties for good behaviour have forfeited their recognizance, ...	——	XI.	
Amendment and modification of the Regulation regarding attesting confessions of criminal acts, ...	IX.	I.	
Certain provisions of Regulation III. and IV. of 1818 rescinded, ...	——	II.	
Modification of part of Section XX. Regulation III. 1818, regarding the payment of specific rewards offered for the apprehension of persons proclaimed by name, ...	——	III.	
Section XLIII. and XLIV. of Regulation 1818, rescinded, ...	——	IV.	
Police Officers liable to a civil action, or criminal prosecution, for abuse of authority, ..	——	V.	*First.*
Extent of Zillah Magistrate's powers of punishment for abuse of authority, ...	——	——	*Second.*
Cases in which they are to be forwarded to the Criminal Judges, ...	——	——	*Third.*
Criminal Judges empowered in cases of theft to adjudge to hard labor for the prescribed term of imprisonment, ...	——	VI.	*First.*
Powers of Junior Assistants to the Criminal Judges, explained, ...	——	——	*Second.*
Section LVI. Regulation III. of 1818, rescinded, ...	——	VII.	*First.*
Depositions to be taken and written in the language of the Zillah, or in that with which the party is most conversant. Papers to be accompanied with translations in English in cases of commitment only, ...	——	——	*Second.*
Amendment of Regulation I. 1812, for the trial of persons charged with crimes against the State,	X.	I.	

Such

CRIMINAL JUDICATURE—*Continued.*	*Regulation*	*Section*	*Clause*
Such parts of Regulation I. 1812 which provide for a special Court for the trial of crimes against the State being composed of Native law officers as Judges, rescinded, ...	X.	II.	
To consist in future of three Judges, or such other number as may be thought proper, assisted by two Mohummedan, or two Hindoo law officers, according to the persuasion of the persons to be tried, as expounders of the law, previously taking an oath, ...	——	III.	
D.			
DEPOSITIONS.			
To be taken in the language of the Zillah or that best known by the prisoner, ...	IX.	VII.	
E.			
EASTERN ZILLAH NORTH OF THE MYHEE.			
The Kairah Zillah to be so denominated, its limits defined (SEE CEDED AND CONQUERED DISTRICTS).			
F.			
FEES,			
(SEE PLEADERS, NATIVE).			
FORT VICTORIA.			
Included in the Southern Concan Zillah .. (SEE ALSO CEDED AND CONQUERED DISTRICTS).	III.	IX.	*Second.*
G.			
H.			
I.			

	Regulation	Section	Clause
J.			
K.			
KAIRAH.			
The limits of the district changed, and its denomination altered to Eastern Zillah North of the Myhee (See ceded and conquered districts).			
L.			
M.			
MAGISTRATE, ZILLAH.			
His powers within the limits of Military cantonments and Bazars (See Cantonments and Military Bazars).			
Rules restricting the authority of Assistant Magistrates to the Towns in which they may be deputed to reside, rescinded, ...	VI.	I.	
Part of Section XL. Regulation IV. 1818, rescinded; and Magistrates authorized to delegate to their assistants the whole or any part of their duty, ...	——	II.	
Prisoners confined by, on security for good behaviour, may be released by Criminal Judge (See also Criminal Judicature).	VIII.	IV.	*First.*
MALWAN.			
Included in the Southern Concan Zillah .. (See also ceded and conquered districts).	III.	IX.	*Second.*
N.			
O.			
OATHS.			
To be taken by Commissioners appointed to investigate charges against public officers, ..	IV.	IX.	*First.*

Rules

OATHS—*Continued.*	*Regulation*	*Section*	*Clause*
Rules which prescribe an oath of office to be taken by certain native officers of the Courts of Judicature, modified and extended, ..	V.	II.	*First.*
A solemn declaration substituted for the prescribed oath in certain cases, ...	——	——	*Second.*
By whom such declaration to be attested, and the above rule to be enforced, ...	——	——	*Third.*
To what native officers the rules so modified are meant to extend, ...	——	III.	
Provisions for an oath to be taken half yearly by Mohummedan Law Officers, rescinded, ..	——	IV.	
Oath to be taken by Law Officers, assisting Courts appointed for trial of State Criminals, ..	X.	III.	
OFFICERS, PUBLIC, EUROPEAN.			
The existing rules for receiving complaints against Collectors of the Land Revenue and Customs, Commercial Residents, and others, European public officers amenable to the Zillah Courts, for acts done in their official capacity in opposition to any published Regulation, require amendment, ...	IV.	I.	
First process on the institution of a complaint not provided for in Section VI.	——	II.	
Proceedings to be held by Government on references under the preceding section, ..	——	III.	
In what respect the Judges of the Civil Courts to be guided by the orders of Government upon such reference, ...	——	——	
Parts of section X. Regulation VI. 1812, relating to charges of corruption against a Zillah Judge, rescinded; and Section VIII. Regulation VII. 1812, rescinded, ...	——	IV.	
Parts of Section IX. Regulation IV. 1800, relating to charges of corruption &c. against Registers, rescinded, ...	——	V.	
Enquiry into complaints or charges of corruption, gross fraud, breach of trust, or high misdemeanor, against a public officer, how to be conducted, ...	——	VI.	
Such accusations not to be acted upon, unless made on oath, ...	——	VII.	*First.*
Persons preferring charges, to furnish security to prosecute them to a conclusion, . ..	——	——	*Second.*

In

OFFICERS, PUBLIC, EUROPEAN—*Continued.*	*Regulation*	*Section*	*Clause*
In cases of charges being preferred direct to the superintending authorities, previous enquiry is to be made whether grounds exist for a formal investigation, ...	IV.	VIII.	*First.*
Courts of Civil Judicature receiving such charges to examine the complaint on oath, and transmit such deposition to the proper superintending authority.	——	——	*Second.*
Superintending authorities may dismiss frivolous or vexatious charges, ...	——	——	*Third.*
But shall report to Government every case in which substantial gounds appear to exist for a regular enquiry, ...	——	——	*Fourth.*
Should the Governor in Council concur in such opinion, he will appoint commissioners to investigate the charges, ...	——	IX.	*First.*
Oath of Commissioner, ...	——	——	——
Commission where to be holden, ...	——	——	*Second.*
General control over all commissions under this Regulation vested in the Sudder Adawlut, or Government, as the latter shall determine, ..			
Sudder Adawlut empowered to instruct the commissioners on points not provided for, when the controul is vested in that court, ...			
Provision for submitting to Government any new Regulation which may appear adviseable in such cases.	——	X.	*First.*
Governor in Council to issue instructions to commissioners under his controul, .. And commissioners in such cases to submit any new Regulation which may appear adviseable,	——	——	*Second.*
Sudder Adawlut in all cases alone empowered to explain to commissioners doubts as to the true meaning and intent of the Regulation,	——	——	*Third.*
Whenever commissioners are placed under controul of the Governor in Council, and not of Sudder Adawlut, two shall be appointed, one being selected from the Judicial Department,	——	——	*Fourth.*
Government will determine if the accused shall be suspended, and if he shall draw his established allowances, ...	——	XI.	
And whether the prosecution shall be conducted by the accuser, or otherwise, ...	——	XII.	
General duty of the commissioners on such investigation, ...	——	XIII.	*First.*

Breach

OFFICERS, PUBLIC, EUROPEAN—*Continued.*	*Regulation*	*Section*	*Clause*
Breach of oath liable to the penalties of perjury, ...	IV.	XIII.	*Second.*
Powers vested in the commission, ...	——	XIV.	
Accused and accuser to be at liberty to record observations at the close of the evidence, ..	——	XV.	
Commissioners to transmit proceedings and report to the superintending authority on the merits of the case, ...	——	XVI.	
Proceedings and report to be submitted to Government by the superintending authority, with opinion thereon, ...	——	XVII.	
Government will decide on the case, but such decision not to preclude persons deeming themselves aggrieved from seeking redress in the King's Court, ...	——	XVIII.	
How applications for reimbursement of expences incurred in prosecution are to be preferred, and decided upon, ...	——	XIX.	
OFFICERS, PUBLIC, NATIVE.			
Provisions regarding oaths required of them, modified (See Oaths).			
Regulation IV. 1819, for investigation of charges of malversation in office by European officers, extended to native, ...	V.	I.	
Rules for Civil action against the native ministerial and law officers of the Courts, for corruption or extortion, explained, ...	——	V.	*First.*
In what cases they may be criminally prosecuted for such offence, ...	——	——	*Second.*
And to what penalties liable on conviction, ..	——	——	——
Report to be made to Government in such cases,	——	——	*Third.*
Proceedings to be adopted for the recovery of public documents withheld, and of property deposited in Court and embezzled, ..	——	VI.	*First.*
A summary enquiry to be instituted in such cases by the Judge of the Court, ...	——	——	*Second.*
Security for attendance to be required, ..	——	——	——
Or the officer to be kept in Custody, ...	——	——	——
On proof of embezzlement, the amount, how to be recovered, ...	——	——	*Third.*

The

OFFICERS, PUBLIC, NATIVE—*Continued.*	*Regulation*	*Section*	*Clause*
The same course to be pursued when public accounts may be withheld, ...	V.	VI.	*Fourth.*
A summary appeal may be admitted by the Provincial Court from the Judge's decision, ..	——	——	*Fifth.*
And by the Sudder Adawlut from the decisions of the Provincial Courts, ...	——	——	*Sixth.*
Final summary judgments to be held conclusive,	——	——	*Seventh.*
Commissioners to be appointed, and to enquire into the conduct of native servants, in the same manner as is provided for by Regulation IV. A. D. 1819, in respect to Europeans, ..	——	VII.	*First.*
To be prosecuted in the Courts of the Jurisdiction wherein they reside, or have been employed,	——	——	*Second.*
Officers of Police for abuse of authority liable to prosecution, ...	IX.	V.	
Law officers not to form special Courts for the trial of crimes against the State, ...	X.	II.	
P.			
PLEADERS, NATIVE.			
Regulation XIV. 1802, Section IX. in part amended, ...	II.	I.	
Fees, the rates allowed to them, ...	——	II.	
POLICE.			
Rules for the support of Police in Military cantonments and bazars (See CANTONMENTS AND MILITARY BAZARS).			
Officers of—for abuse of authority liable to prosecution, ...	IX.	V.	
PRISONERS.			
Confined under security for good behaviour, rules regarding them (See CRIMINAL JUDICATURE).			
PROSECUTION.			
Police Officers liable to, for abuse of authority,	IX.	V.	
For malversation in office (See OFFICERS, PUBLIC, EUROPEAN; AND OFFICERS, PUBLIC, NATIVE).			

	Regulation	Section	Clause
Q.			
R.			
REGULATIONS.			
Regulation XIV. 1802, Section IX., amended,..	II.	I.	
Regulation VI. 1817, part of Section III., rescinded, ...	III.	II.	
Regulation II. 1805, Section V, rescinded, ..	——	III.	
Regulation I. 1811, rescinded, ...	——	VIII.	
Regulation XI. 1814, rescinded, ...	——	——	
Regulation IV. and XII. 1815, rescinded, ..	——	——	
Regulation III. 1814, it's operation limited, ..	——	XIII.	
Regulation XIV. 1815 Section XIII., it's operation limited, ...	——	——	
Regulation VIII. 1812 Section VIII., partly rescinded, ...	——	XVI.	
Regulation VI. 1812 Section X., parts rescinded,	IV.	IV.	
Regulation VII. 1812 Section VIII., parts rescinded, ...	——	——	
Regulation IV. 1800 Section IX., parts rescinded, ...	——	V.	
Regulation V. 1800 Section V., rescinded, ..	V.	IV.	
Regulation VIII. 1812 Section VI., rescinded,..	——	V.	*First.*
Regulation IV. and V. 1800., explained, ..	——	——	——
Regulation IV. 1819, extended, ...	——	VII.	*Second.*
Regulation IV. 1818 Section XI., in part rescinded, ...	VI.	II.	
Regulation III, 1819 Section III. clause 2d, partly rescinded, ...	VII.	II.	
Regulation III. 1818 Sections XXIV. and L., partly rescinded, ...	IX.	II.	
Regulation IV. of 1818 Section XXVI. clause 3d, partly rescinded, ...	——	——	
Regulation III. of 1818 Section XX., modified,	——	III.	
Regulation IV. of 1818 Sections XLIII. and XLIV., rescinded, ...	——	IV.	
Regulation III. 1818, Section LVI., rescinded,	——	VII..	
Regulation I. of 1812, partly rescinded, ..	X.	II.	
REVENUE LAWS.			
Extended to lately acquired territories (See CEDED AND CONQUERED DISTRICTS).			
REWARDS.			

REWARDS.	*Regulation*	*Section*	*Clause*
Modification regarding payment of those for apprehension of offenders proclaimed by name,	IX.	III.	
S.			
SECURITIES.			
Existing rules relative to the requisition of security for good behaviour, modified; and rules prescribed for Criminal Courts in cases when securities fail in their engagements (See Criminal Judicature).			
STATE CRIMINALS.			
Rules for their trial, modified (See Criminal Judicature).			
SUDDER ADAWLUT.			
Jurisdiction extended to lately acquired territories (See ceded and conquered districts).			
Rules for their guidance on charges preferred against public Officers (See Officers, Public, European; and Officers, Public, Native).			
SURAT ZILLAH.			
Extension of its limits (See ceded and conquered districts).			
T.			
V.			
VAKEELS.			
(See Pleaders, Native).			
U.			

	Regulation	*Section*	*Clause*
W.			
X.			
Y.			
Z.			

A. D. 1820. REGULATION I.

A REGULATION *for declaring the powers of the Governor in Council to provide for the immediate punishment of certain offences against the State, by the sentence of Courts Martial.*—PASSED *by the Governor in Council on the* 16*th February* 1820, *corresponding with the* 3*d Falgoon Sood Sumbut or Vekramajet Era* 1876; *Salbahan* 1741; *and* 1*st of Jumadyoolavul* 1235, *of the Hijree.*

Preamble.

WHEREAS during wars in which the British government has been engaged against certain of the Native Powers in India, certain persons owing allegiance to the British government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said government; AND WHEREAS it may be expedient, that, during the existence of any war in which the British government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the government, in any part of the British territories, subject to the government of the Presidency

Presidency of Bombay, the Governor in Council should declare and establish Martial law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of the persons owing allegiance to the British government, who may be taken in arms, in open hostility to the said government, or in actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British government, within any part of the territories above specified—the following Regulation has been enacted by the Governor in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Bombay from the date of its promulgation.

The Governor in Council, in time of war, or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend, the functions of the ordinary criminal Courts of judicature in any District, City or other place within the British territories, and to establish Martial law therein.

II. The Governor in Council is hereby declared to be empowered to suspend, or to direct any public authority, or officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of judicature, within any Zillah, District, City, or other place, within any part of the British territories, subject to the government of the Presidency of Bombay, and to establish Martial law therein, for any period of time while the British government in India shall be engaged in war with any Native or other power; as well as during the existence of open rebellion against the authority of government, in any part of the territories aforesaid, and also to direct the immediate trial, by Courts Martial, of all persons owing allegiance to the British government, either in consequence of their having been born, or of their being resident, within it's territories, and under it's protection, who shall be taken in arms, in open hostility to the British government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the state,

And to direct the immediate trial, by Courts Martial, of all persons owing allegiance to the British Government, who shall offend against this Regulation.

or

or in the act of openly aiding and abetting the enemies of the British government, within any part of the said territories.

Persons owing allegiance to the British government, who shall be convicted, by the sentence of a Court Martial, of any of the crimes specified in the foregoing section, shall be liable to the immediate punishment of death.

III. It is hereby further declared, that any person born, or residing, under the protection of the British government, within the territories aforesaid, and consequently owing allegiance to the said government, who, in violation of the obligations of of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof, by the sentence of a Court Martial, during the suspension of the functions of the ordinary criminal Courts of judicature and the establishment of Martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hanged by the neck till he is dead. All persons who shall, in such cases, be adjudged by a Court Martial, to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British government all property and effects, real and personal, which they shall have possessed within it's territories, at the time when the crime of which they may be convicted shall have been committed.

And to the forfeiture of their property and effects.

The Governor in Council not precluded by this Regulation from causing persons charged with any of the offences described in it, to be brought to trial before the ordinary Courts of justice, or before any special Courts.

IV. The Governor in Council shall not be precluded, by this Regulation, from causing persons charged with any of the offences, described in the present Regulation, to brought to trial, at any time, before the ordinary Courts of judicature, or before any special Court appointed for the trial of such offences, under Regulation X. 1819, instead of causing such persons to be tried by Courts Martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

A. D. 1820. REGULATION II.

A REGULATION *for explaining Regulation I. A. D.* 1818, *entitled "A Regulation for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay."; and for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay and into any port or place whatsoever within the authority of the Governor in Council of Bombay or within the limits of any of the territories dependent on the Presidency of Bombay.*—**PASSED** *by the Hon'ble the Governor in Council of Bombay, on the* 10*th of May* 1820, *corresponding with the* 13*th of Vaisack Vud Sumbut or Vickramajet Era* 1876; *Salbahan* 1742; *and* 26*th Rujub of the Hejree.*

WHEREAS

A. D. 1820. REGULATION II.

Preamble.

WHEREAS in and by the said Regulation I. 1818 a duty at the rate of twelve Rupees per Surat seer was imposed on all Opium, excepting Opium made within the limits of the territories immediately dependent on the presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the presidency of Bombay; and WHEREAS doubts have arisen whether the provisions of the said Regulation extended to such Opium imported or brought into the town or island of Bombay; and WHEREAS also, it is expedient to make further Regulations respecting such duty, and to impose further fines, penalties, and forfeitures for the non-payment of such duty and for the breach of the above recited Regulation; the Honorable the Governor in Council accordingly hereby enacts, and declares as follows.

Regulation I. of 1818. in force in Bombay and in all places within the authority of the Government of Bombay.

II. That the said Regulation I. 1818, and the provisions contained therein were, and are in force, in respect of, and do extend to and shall be applied, practised and put in execution, for and in respect of, all Opium, except as therein excepted, imported or brought, as well into the said town and island of Bombay, and into any port or place whatsoever within the authority of the said Governor in Council in Bombay as into any other port or place within the limits of any of the territories dependent on the presidency of Bombay.

All Opium imported therein Contrary to this Regulation and I. 1818 shall be deemed smuggled & forfeited to the East India Company,

III. That all Opium which shall be imported or brought into the said town or island of Bombay, or into any other port or place whatsoever within the authority of the said Governor in Council, or within the limits of any of the territories dependent on the said presidency of Bombay, in any manner contrary to the provisions of this and the said recited Regulation, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of Merchants of England trading to the East Indies, together with

with the packages, in which the same is packed and contained, and also all the ships, vessels, boats, camels, horses, bullocks, or other cattle or carriages used in the importing, removing, or carrying the said Opium; and such Opium, and the packages containing the same, if found by any officer or officers of the Custom House, or of the Collector, or of the Magistrates of Police, in the custody of any person or persons being in any ship, vessel, or boat, or carrying and conveying the same on land, together with the ships, vessels, boats, camels, horses, bullocks, and other cattle, or carriages, shall & may be stopped and seized by any such officer or officers, who are hereby authorized and required to put and secure such Opium and the packages containing the same, in some house, warehouse, or godown belonging to the said Company, in the port or place next to the place where such stoppage and seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the Town and Island of Bombay, if such stop or siezure shall be made at a place within the limits of the Jurisdiction of the said Court of Petty Session, that the said Opium has been duly imported according to the provisions of the said recited Regulation, and that the duties on the said Opium have been paid or secured; and in case such stoppage and seizure shall be made at any other place beyond the limits of the said Jurisdiction, until the claimer shall make like proof before any Magistrate of the district within which such stoppage and seizure shall be made; provided such proof be made within ten days after the said stoppage and seizure shall have been made; in failure whereof, the said Opium and the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriage used in removing, carrying, or conveying the same, shall be forfeited, one third thereof to the informer, the other two thirds to the United Company of Merchants trading to the East Indies.

together with the packages containing or vessels or animals conveying the same.

Officers of the Customs & others authorised to seize,

and secure the same in Government Warehouses next to the place of seizure,

till the claimer make proof of the legal transit of the Opium: if in Bombay, before the Petty Sessions;

if in any subordinate district, before the Magistrates of such district;

within ten days after the seizure;

on failure, the Opium, with the packages containing & vessels or animals conveying it shall be forfeited, one third to the informer & two thirds to the Company.

IV. And for the more effectually discovering and detecting the clandestine importation of Opium, it is hereby enacted by the authority aforesaid.

On information of smuggled Opium being in any place, given on oath to any Collector of Customs, or Collector or Magistrate.

First.—That if any credible person shall give information on Oath before the Collector of the Customs of Bombay, or the Collector of Bombay, or before any Magistrate or Collector of any the territories within the authority of, or dependent on the said Government of Bombay, that any smuggled or clandestinely imported Opium is harboured, kept and concealed in any ship, boat or other vessel, or in any house, shop, cellar, warehouse, godown, room, compound, field, garden or any other place whatsoever, the said Collector of the Customs, the said Magistrate or Collector, before whom such information on Oath shall be given, is hereby authorized and required to issue his warrant under his hand and seal sent to a constable, or other public officer, or to any trust-worthy person or persons, commanding the said Constable, public officer, or other person or persons to whom the said warrant shall be so directed, to enter, in the day time, any such ship, boat, vessel, house, shop, cellar, warehouse, godown, room, compound, field, garden or place, as may be specified in the said information, or pointed out by the said informer, and in case of resistance to break open doors, chests, bales of goods and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely imported Opium as shall there be found, together with the contents of such chests, bales of goods, or other packages in which the same way be found, and to put and secure the same in some warehouse, or other house or godown belonging to the said Company, in the port or place next to the place where such seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such seizure shall

Such Collector or Magistrate is to issue his warrant for the search of the places pointed out, & seizure of the Opium with the packages and vessels containing it.

And the same shall be lodged in a Government Warehouse next the place of seizure until the claimer make proof of the legal import of the Opium; if in Bombay, before the Petty Sessions; if in any

be

be made at any place within the limits of the Jurisdiction of the said Court of Petty Sessions, that the said Opium has been duly imported according to the provisions of this and the said recited Regulation, and that the duties on the said Opium have been paid or secured; and if such seizure shall be made at any other place beyond the limits of the said Jurisdiction, until the Claimer shall make like proof before a Magistrate of the district within which such seizure shall be made; provided always that such proof be made within ten days after the said seizure shall have been so made, in failure whereof, the said Opium, together with all, and every chest, bale of cloth, and other package, and the whole of the contents of such chest, bale, or package, shall be forfeited; one third thereof to the informer, the other two thirds to the United Company of Merchants of England trading to the East Indies.

subordinate district, before the Magistrate of such district;

within ten days after the seizure.

on failure, the Opium with its package or chest and all contents of such package shall be forfeited, one third to the informer and two thirds to the Company.

Secondly.—That in case any person or persons whatsoever shall knowingly harbour, keep or conceal, or shall knowingly permit or suffer to be harboured, kept or concealed, such clandestinely imported Opium, the party or parties offending therein, whether he, she, or they have not, or do or do not claim or pretend to have any property, or interest in such Opium so harboured, kept or concealed, shall for every such offence forfeit and lose all such Opium so harboured, kept, and concealed, and double the value thereof, together with double the full amount of the duty imposed on such Opium by the said recited Regulation.

Any person knowingly keeping or concealing smuggled Opium shall forfeit the Opium and double the value of it: and double the amount of the established duties upon it.

V. It is hereby also provided, enacted and declared, by the authority aforesaid, that where any Opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, all such seizures shall and may be prosecuted in manner hereinafter mentioned, that is to say; *First*, In every case where the whole quantity of the Opium, at any one time for that

Seizures of Opium to be prosecuted, if not exceeding one maund, or including packages &c. Rs. 500, in a summary way, & determined, if

In Bombay before the Court of Petty Sessions,

that cause seized, doth not exceed one maund; or the ships, vessels, boats, camels, horses, bullocks or other cattle or carriages used in the importing, receiving, or carrying the said Opium, do not exceed in value 500 rupees, such seizure shall, and may, in a summary way be proceeded upon, heard, examined into, and determined in the manner hereinafter mentioned, that is to say, in case such seizure shall happen to be made in any place within the limits of the jurisdiction of the Court of Recorder in Bombay, the same shall, and may, in a summary way, be proceeded upon and examined into, heard, adjudged, and determined by and before the said Court of Petty Sessions; and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may, in a summary way, be proceeded upon, examined into, heard, adjudged and determined by and before the Magistrate residing near to the place where such seizure or seizures shall be made; and which said Court of Petty Sessions and Magistrates respectively, within their respective jurisdiction, shall be and are hereby authorized and empowered to cause the respective person or persons, in whose custody such Opium so to be seized as aforesaid, was found at the time of the seizure thereof, to be summoned to appear before the said Court, at a certain time and place to be prefixed by the said Court and the said Magistrates respectively, who are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such Opium so seized as upon due examination shall be found to be forfeited by virtue of this and the said recited Regulation, together with the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriages used in removing, carrying or conveying the same, and to issue their warrants for the sale thereof.

If in any subordinate districts, before the Magistrate of such district.

And which Court of Petty Sessions or Magistrate is empowered to summon the party from whom the seizure was made at a time and place prefixed,

and to examine & proceed to condemn such Opium as may be found to be forfeited with the packages containing or vessels or animals by which it was conveyed.

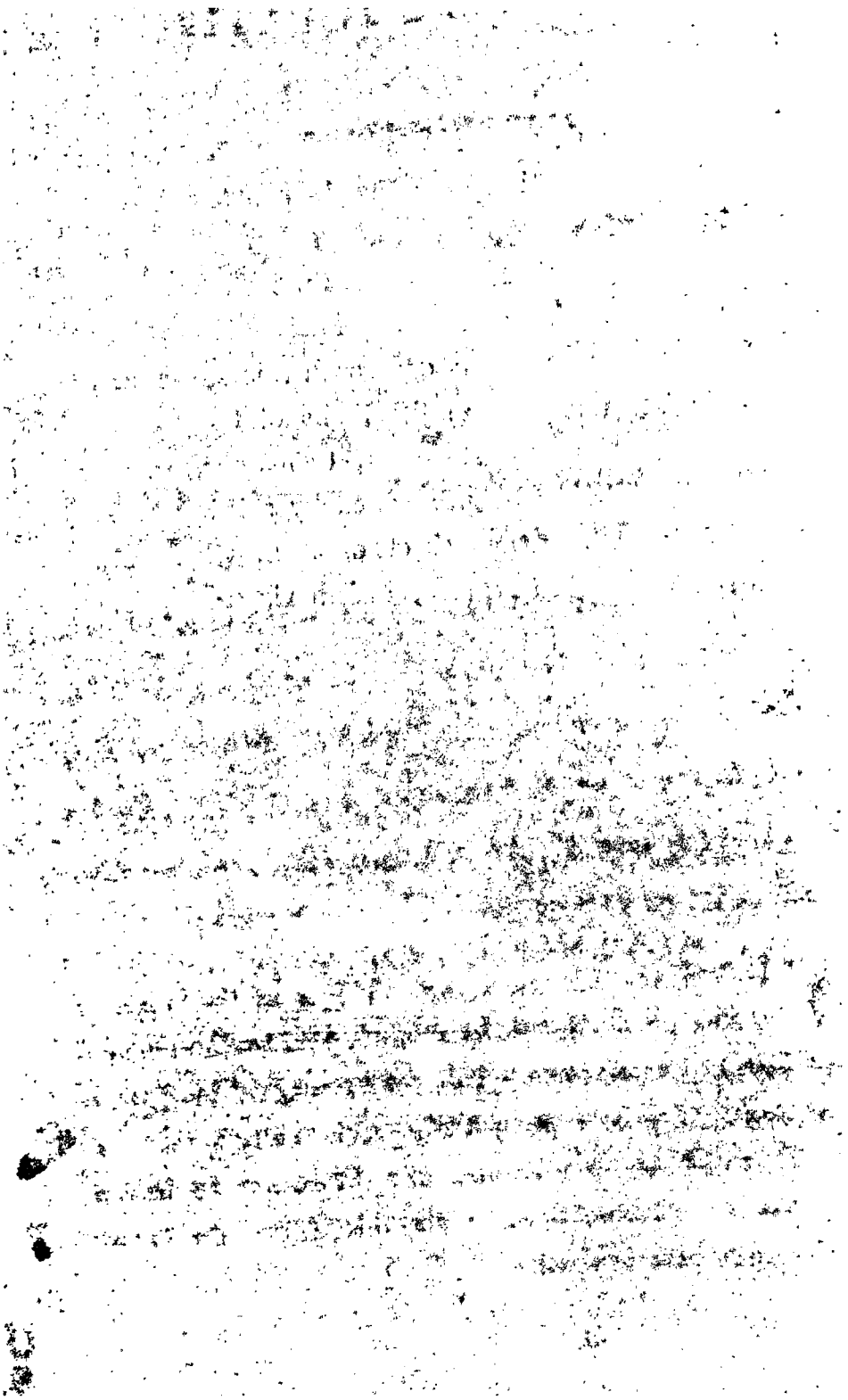
And to issue warrant for the sale thereof.

Secondly.

Secondly.—In every case where any Opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, and where the whole quantity of the Opium at any one time for that cause seized doth exceed one maund, or the ships, vessels, boats, camels, horses, bullocks or other cattle or carriages used in the importing, removing or carrying the said Opium, do exceed in value rupees 500, all such seizures shall and may be prosecuted in manner thereinafter mentioned, that is to say, in case such seizure happen to be made in any place within the limits of the jurisdiction of the Court of the Recorder of Bombay, by information to be exhibited in the said Court, and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may be prosecuted by suit in any Zillah Court established within the districts or places where such seizure or seizures shall be made, and having cognizance of civil suits.

If exceeding one Maund or the packages the value of Rupees 500, the seizure made in Bombay, to be prosecuted in the Court of Recorder;

if in any subordinate district, in the Court of Adawlut of such district.



A. D. 1820. REGULATION III.

A REGULATION *for annexing to the Zilla of South Concan certain Villages on the Sea Coast in Paut and Ajgaon turufs in the Sawunt Waree district, formerly composing part of the Territories of the Sawunt Waree State, and ceded to the Honorable East India Company; and for fixing the Sudder station of that Zilla.*—PASSED *by the Honorable the Governor in Council on the* 17*th May* 1820, *corresponding with the* 5*th First Jest Sood Sumbut or Vekramajet Era* 1876; *Salbahan* 1742; *and the* 4*th Shaban* 1235, *of the Hijree.*

Preamble.

WHEREAS the Sea Coast Villages in the Turuf of Paut and Ajgaon have been ceded to the Honorable the East India Company in full Sovereignty by the Sawunt Waree state, it has been judged adviseable to annex the same to the Zillah of South Concan; and WHEREAS no Sudder station has as yet been fixed on for this Zillah, the following rules have been enacted,

II.

A. D. 1820 REGULATION III.

Villages in Paut & Ajgaon annexed to the Zilla of South Concan.

II. The undermentioned villages on the Sea Coast of the turuf of Paut and Ajgaon shall be annexed to the Zillah of South Concan, and the laws and Regulations established for the internal administration of the Zillah are hereby declared to be in full force and effect in the aforementioned cession from the 17th of February 1819, being the date from which the authority of the British Government has effect in these territories, viz. Raree Arowlee, Seerowdee, of Ajgaon, & Dabolee, Kanolee, Keyloos, Mahapun, Konchurey, Purolen of Paut.

Date from which Civil Courts shall take cognizance of suits.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of Civil claims in the aforementioned cession, the cause of action in which may have originated previously to the 17th of February 1807, being a period of twelve years antecedent to the said cession.

The operation of certain Regulations limited.

IV. The operation of Regulation III. 1814 is limited to the 17th of February 1819, and of section XIII. Regulation XIV. 1815 to the 1st day of January 1821, of which due notice shall be given by the proper authorities.

Date from which Criminal Courts shall take cognizance.

V. The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the date specified in section II.

Rutnagiree the Suddur Station of South Concan.

VI. The Sudder station of the Zilla of South Concan shall be fixed at the town of Rutnagiree, and the public authorities shall be removed thereto as soon as the Governor in Council shall direct.

A. D. 1820. REGULATION IV.

A REGULATION *for withdrawing from the jurisdiction of the Regulations of Government, the Talooka belonging to the Chieftain of Balaseenor and Veerpoor.*—PASSED *by the Honorable the Governor in Council of Bombay on the 2d of August* 1820, *corresponding with the 9th Assad Vud Sumbut or Vekramajet Era* 1876; *Salbahan* 1742; *and the 22d Shaval* 1235, *of the Hijree.*

Preamble.

WHEREAS the Honorable the Governor in Council of Bombay is pleased to declare that the Talooka belonging to the Tributary Chieftain of Balaseenor and Veerpoor shall not be held subject to the Regulations of Government, the following enactment has accordingly been passed, to be in force from the date of its promulgation.

Balaseenor and Veerpoor withdrawn from the Jurisdiction of the Eastern Zilla North of the Myhee.

II. Such parts of Regulation III. 1819 as relate to the incorporation of the Talooka of Balaseenor and Veerpoor into the Eastern Zillah North of the Myhee, are rescinded.

Suits from Balaseenor & Veerpoor to be struck off the file & value of Stamps

III. All suits which may have arisen within the limits of the Talooka, and which may be depending, shall be struck off the File

paper to be returned to the parties.

File of the Zillah Court, and the value of stamp paper paid by the parties in such suits, shall be returned to them.

Civil & Criminal Prisoners from Balasoenor & Veerpoor to be delivered to the Chieftain of the Talooka.

IV. The civil and criminal Prisoners in the Jail of the Eastern Zillah North of the Myhee, who may belong to the Talooka, and not otherwise subject to the jurisdiction of the Zillah Court under the general Regulations, shall be delivered over to the Chieftain.

A. D. 1820. REGULATION V.

A REGULATION *for abolishing the Provincial Court of Appeal, and adapting the powers &c. of the Sudder Adalut to the change, and for removing the latter Court from Bombay to the city of Surat.*—PASSED *by the Honorable the Governor in Council on the 29th of November* 1820, *corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet Era* 1877; *Salbahan* 1742; *and 22d of Suffer* 1236 *of the Hijree.*

Preamble.

WHEREAS it has been deemed essential to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these Provinces, that the Governor in Council of Bombay, exercising the legislative and executive authority of the State, should administer the judicial functions of the Government, by the means of Courts of Justice, distinct from the legislative and executive authority; and whereas it has likewise been deemed advisable, with the view to shorten and simplify the process of litigation, to abolish the Provincial Court of Appeal, the following enactment is passed, to have effect from the 1st of January 1821.

II.

Provincial Court of Appeal abolished, and all regulations relative thereto rescinded.

II. The Provincial Court of Appeal instituted by section III. Regulation II. 1805, is hereby abolished, and that section rescinded, together with Regulation VI. 1812, and all such parts of the Regulations in force as relate to that Court.

Regulations rescinded, in order to adapt the Sudder Adalut to the change.

III. In consequence of the abolition of the Provincial Court of Appeal, it is necessary that the powers of the Sudder Adalut should be adapted to the change; Regulations VII. of 1800, and VII of 1812 are therefore rescinded.

Sudder Adalut transferred to Surat, and to consist of four Judges covenanted Civil servants of the Company.

Their denomination.

IV. The Court of Sudder Adalut shall be transferred from Bombay to the city of Surat, and henceforth consist of four Judges, to be appointed by the Governor in Council from among the covenanted Civil servants of the Company, and to be denominated, Chief, Second, Third and Fourth Judges of the Sudder Adalut.

An oath prescribed to be taken by the several Judges.

V. The Chief Judge, and each Puisne Judge, who may be appointed to the Court of Sudder Adalut, previous to entering on the duties of his office, shall take and subscribe the following oath before the Governor in Council, or any person he may commission to administer it.

The oath.

I. A. B. Appointed Judge of the Sudder Adalut, solemnly swear, that I will administer justice conformably to the Regulations that have been, or may be passed by the Governor in Council, according to the best of my ability, knowledge, and judgement, without fear, favor, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzur, either in money or effects of any kind, from any party, or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court of Sudder Adalut, of which I am appointed a Judge: that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly,

rectly, any present, or nuzur in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or has been decided in the Court; that I will render a true and faithful account of all sums of money that may be paid into the Court, or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in the British dominions under the Presidency of Bombay, for the purpose of remitting money to Europe, or in any commercial transaction; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive.

SO HELP ME GOD.

Register & assistant to the Register to be appointed; oath to be taken by them.

VI. There shall be a Register and an Assistant to the Register of the Sudder Adalut; previous to entering on the duties of their office, they shall take and subscribe in open Court, the oath directed to be administered in section III., Regulation IV. 1800.

Law-officers to be appointed: oath to be taken by them.

VII. There shall be two Mahummedan Law-officers, a Kazee, and Moulawee, and two Pundits, appointed to the Sudder Adalut, under the provisions of section II. Regulation V. 1800: previous to entering on the duties of their offices, they shall make and subscribe in open Court, a solemn declaration in the manner prescribed by section II. Regulation V. 1803, with reference to section V., Regulation V. 1800.

Surishtudar and deputies to be appointed: oath to be taken by them as well as every other officer.

VIII. There shall be one Surishtudar and a Deputy for each of the languages used in the Zillas subordinate to the Sudder Adalut, viz. Persian, Goozerattee and Marhatta; they shall each make a solemn declaration, as prescribed by section II., Regulation V. 1819, previous to entering on their duties, and in like manner, every officer of the Court on his appointment.

XI.

Jurisdiction of the Court.

IX. The jurisdiction of the Sudder Adalut, shall extend over the Zillas of Surat, Broach, Eastern Zilla North of the Myhee, Ahmudabad, North Konkan, and South Konkan, and over the district of Anjar.

Court to be held in a large room three days in each week, or oftener if necessary decrees orders &c. to be made on Court days, and in open Court.

X. The Court of Sudder Adalut shall be an open Court, and be holden in a large and convenient room, three days in every week or oftener, if business shall require it, and no rule, order, proceeding or decree is to be made, but on Court days, and in open Court.

Seal of the Court.

XI. The Court is to use a Circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian, Goozerattee and Mahratta languages, "the seal of the Sudder Adalut."

The Court is not to correspond with parties in suits, or any persons, respecting matters before the Court, or cognizable by it.

XII. The Sudder Adalut is prohibited from corresponding by letter with parties in suits, or process, or matters depending before it, or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the Court, he shall either appear in the Court in person, and represent the matter in writing; or shall make the representation in writing through an authorized Wukeel; the Court shall pass such order upon the representation, as shall appear to it proper, consistently with the regulations: and shall cause a copy of the order, under the seal of the Court, and attested by the Register, to be delivered to the person making the representation, or to his Wukeel.

Cases in which the Court is impowered to refer original suits to Zilla Courts to be tried and determined.

XIII. *First.*—The Sudder Adalut is empowered to receive any original suit or complaint, which may be cognizable in any Zilla Court, and to command the Judge of such Court by a precept, under the seal of the Court, and attested by the Register, to receive the suit or complaint; and to proceed to hear

hear and determine it, provided proof shall be previously made to its satisfaction, that the Judge refused or omitted to proceed in it; if the plaintiff shall refuse, or neglect to proceed in the suit or complaint for the period of six weeks, after the order of the Sudder Adalut may be received by the Zilla Court, and notified to the complaint, the Judge is authorized to dismiss it, notwithstanding the order of the Sudder Adaulut. In such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Adaulut, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of dismission.

Suits or complaint to be dismissed, if the party preferring it shall or refuse to proceed in it, for six weeks.

Judge to notify the dismission of the suit, to the Sudder Adulut.

Second.—The Sudder Adaulut is vested with authority to recieve any petitions respecting suits or matters that may be depending, or have been decided, in any Zilla Court; and provided it shall be proved to it's satisfaction that the petition was presented to the Judge of such Court, and that he refused or omitted to receive it, and proceed on it; the Sudder Adaulut is empowered to issue a precept, under the seal of the Court, and attested by the Register, commanding the Judge of the Zilla Court to receive the petition, and to proceed respecting it, according to the regulations.

Cases in which the Sudder Adulut may receive petitions respect ing suits or matters depending, or which may have been decided in any Zilla Court.

Court how to proceed with such petition.

XIV. In all proceedings of the Sudder Adalut, the court shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions limitations, and exceptions, as are prescribed to the Zilla Courts, except as to hearing of witnesses, and receiving evidence.

The Court is to be guided by the rules prescribed to Zilla Courts.

Exceptions.

XV. *First.*—If any person shall deem himself aggrieved by the decree of a Zilla Judge, in a civil suit, tried and determined by him in the first instance, or by the decree of a Register in a suit exceeding 500 rupees in value or amount, such person shall be at liberty to prefer a regular appeal from the decision, to the Sudder Adaulut, by petition of appeal.

From what decrees of the Zilla Courts, a Regular Appeal is to be to the Sudder Adulut.

Second.

Petition of Appeal how to be presented.

Second.—In cases in which an Appeal shall be intended to be preferred, the petition of Appeal shall be presented in the first instance to the Court, in which the decree appealed against may have been passed, with an authenticated copy of the decree. The petition must be written on stampt paper according to the rates contained in section XXV. Regulation XIV. 1815, and must be accompanied by the prescribed security for the eventual costs in appeal; the Zilla Court after referring to the decree, in the original record of the suit, shall admit the appeal, provided the petition, and the security required, shall have been duly presented in the mode above described, within the period limited for the admission of appeals.

To be written on stampt paper.

And be accompanied with security for costs.

How to be admitted.

What the petition is to contain.

Third.—The petition of Appeal shall state (respect being had to the matter decreed) the annual produce of the land, whether lakhiraj or malgoozaree, the sum of money or the value of property which shall have been decreed, the name of the person in whose favor the decree shall have been given; the Court in which it shall have been passed; when it was made, what was decreed by it; and whether the decree has been executed. The petition need not contain the specific objections to the judgement, and detailed grounds and reasons for preferring the appeal, but shall state shortly, that the party being dissatisfied, is desirous of appealing; and it is declared optional with the party, to insert the same in the original petition of Appeal, or state them subsequently in the Sudder Adaulut in a seperate pleading on the stampt paper prescribed in section XXXIII. Regulation XIV. 1815.

It is optional to insert or not the specific objections the judgements of the lower Court.

Should it not do so, the same may be inserted in a seperate pleading, in the Sudder Adalut.

Period limited for preferring Appeals.

Fourth.—The petition shall be presented within three Calendar months, after the day on which the decree shall have been passed, excluding from the calculation of such period, the interval, which may have elapsed in each instance between the date on which the requisite stampt paper may have been

furnished

furnished by the party to the Court, and that on which the copy of the decree may have been tendered or delivered to the party in open Court, in the mode prescribed by the regulations. The Court will in all cases be enabled to ascertain such interval by the endorsement on the copy of the decree, required to be made under clause sixth of this section. But it shall nevertheless be permitted to such person to prefer his petition of Appeal after the expiratian of three months; and the Court is authorized to admit the Appeal, provided the petitioner can shew just and reasonable cause to its satisfaction, for not having preferred it within the limited period. But whenever the Court shall admit an Appeal which may be preferred to it after the limited time, it shall enter upon its proceedings, its reasons at large for so doing.

Cases in which Appleas may be admitted after the limited time.

Reasons for so doing to be recorded.

Fifth.—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the Court by whom the decision may have been passed, one, two or more sheets, or rolls of the stampt paper prescribed in section XXXV. Regulation XIV. of 1815, as may be necessary for transcribing the decree.

Parties requiring copy of a decree, to furnish the requisite stampt paper.

Sixth.—When such stampt paper shall be furnished, the sherishtadar, or such other principal officer, as may be authorized by the Court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same, on unstampt paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stampt paper may have been furnished, or to his Wakeel in open Court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Court how to proceed when such stampt may be furnished.

Seventh.

Provisions of the two preceding clauses are applicable to copies of decrees or Orders from which a party may desire to prefer a special or summary Appeal.

Seventh.—The principles of the rules contained in the two foregoing clauses of this section, are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary Appeal, and to all copies of orders passed by the Judges and Register of the Zilla Court, and by the Sudder Adaulut, which those Courts may be required to furnish to parties under the provisions of any Regulation.

Parties desirous of appealing, to deliver security for costs that may be awarded on the Appeal.

Eighth.—In all authorized cases of Appeal, the party desirous of appealing shall, with his petition of Appeal, deliver good and sufficient security for the payment of the costs which shall be awarded on the Appeal; without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation I. 1816, no Appeal shall be admitted. It is hereby declared, that the presenting a petition of Appeal, without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered to preserve to the appellant his right of appeal, as far as respects the limitation in question.

Presenting a petition of Appeal without the required security, before the expiration of the time limited for appealing declared not to preserve the right of Appeal.

When appellant shall have entered into the security, the Zilla Judge is to make the endorsement hereafter required.

Ninth.—When the security above required shall have been entered into, the Zilla Judge is immediately to endorse on the petition, in his own hand writing, the day of the month and year in which it was presented, and shall sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the Court, the word "Appealed," and shall transmit the petition to the Sudder Adaulut. The Court shall at the same time direct notice in writing to be give to the appellant, that within fifteen days, the proceedings held in the cause appealed, will be certified to the Sudder Adaulut; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Sudder Adaulut, his appeal will be dismissed, unless he shall shew reasonable cause to the satisfaction of the Court for not having proceeded in it.

And transmit it to the Sudder Adalut, and notify to appelant that if he shall not proceed in the Appeal in six weeks from the date of filing of the petition it will be dismissed.

Tenth.

Execution of decrees appealed from, to be suspended during the Appeal.

Tenth.—In all authorized cases of appeal from the decrees of a Zilla Court to the Sudder Adalut, the Court in which the decree appealed from may have been passed, shall suspend the execution of it during the appeal, provided the party against whom the decree may have been passed shall, at the time of preferring his Appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver good and sufficient security in a sum equal to one year's amount of the annual produce of the land, or house, or other real property which shall have been decided; and in all other cases, good and sufficient security in an amount equal to the sum of money, or value of the thing decreed, for the performance of the decree, which may be passed upon the appeal.

Any private transfer or mortgage of land or other real property during Appeals declared null and void, in the event of the judgment against such property being confirmed on the Appeal.

Eleventh.—In all instances wherein the plaintiff in a Zilla Court, may obtain a Judgment in his favor, for land, or other real property, and the defendant appealing therefrom to the Sudder Adalut may be left in possession of the property, under the security prescribed by the regulations, any private transfer of such property by sale, gift, or otherwise, or any mortgage thereof, which might be made by such appellant during the Appeal to the Sudder Adalut, or the King in Council, in the event of the judgment against him being confirmed on the Appeal, is hereby declared to be null and void.

When the appellant does not comply with the rules of Appeal, decree to be executed.

Twelfth.—Where the party desiring to Appeal shall neglect, or refuse to enter into the securities, in the manner prescribed in this section, the Court, by whom the decision may have been passed, is to order the decree to be executed.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities.

Thirteenth.—As cases may occur, wherein neither the appellant or the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favor of the plaintiff, it is hereby enacted, that

The Collector to hold the adjudged property in attachment in such cases.

that in all such cases, the property adjudged, shall be held in attachment, during the appeal, or until such time as one of the parties may be able to give the required securities, by the Collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, is to be made by any Collector in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Zilla Court wherein the original judgment in the cause may have been passed, which precept shall state, specifically, the property to be included in the attachment, and shall require the Collector to continue the same till ordered to be withdrawn by a further precept from the Court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Sudder Adalut may, in particular cases, require further security during Appeals, if on application of the parties, the security taken appear insufficient.

Fourteenth.—Notwithstanding the appellants, in causes depending before the Sudder Adalut, may have entered into the securities required of them in this section, the Court is further authorized in cases wherein, from delay in the decision, the securities originally so given may afterwards appear insufficient (in respect to the period of time the cause has been pending or is likely to remain still undecided), on the application of the respondent or respondents, in all such cases, to require any additional security which the Court may deem necessary to secure the party who may have obtained a judgment in his favor, from any loss by the non-execution of such judgment during the appeal; and, in default of such further security being given, within a reasonable period to be fixed for that purpose, the Court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant; provided that,

In default of such further security being given by appellants the judgment to be executed.

in

in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security, required in this clause, as necessary to maintain a depending Appeal, is carefully to be distinguished from the security originally necessary to warrant the cause being appealed; the supplemental security being only demandable by the Sudder Adalut after a lapse of time.

Provided the prescribed security be given by the respondent.

XVI. The Judge of the Zilla Court, within fifteen days after the receipt of the Appeal, is to certify, under his hand and the seal of the Court, to the Register of the Sudder Adalut, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits and every original paper read in the cause. Previous to transmitting the abovementioned papers to the Sudder Adalut, he is to cause true and faithful copies of all the originals, authenticated by the Surishtadar, or head Native officer of the Court, to be made out and deposited in the Zilla Court, in lieu of the originals. The copies are to be deemed records of the Court, and are to be received in evidence in any other Zilla Court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in the Zilla Court, in a book, which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted without the other proceedings or matters; the Judge of the Zilla Court, within the time, and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is nevertheless to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been

Record including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adalut in fifteen days after the receipt of the Appeal.

Copies of all original papers transmitted, attested by the surishtadar, to be deposited amongst the records of the Court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Adalut, when originals are not forth coming.

been delivered in, or produced by the parties, and read in the course of the cause before the Court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book, or proceedings, the copy is to be deemed the original, and the Judge is to transmit a copy of it, and in like manner, to certify, that the original, after due search, cannot be found.

Recorded copies of original papers not forth coming, to be deemed originals, & copies of them to be forwarded and certified.

Previous notice to be given by the Court of the day on which a suit is to be brought to a hearing.

XVII. *First.*—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case which may be required, at the time when the suit may first be brought to a hearing, the Court is enjoined carefully to attend to those provisions in the Regulations, which require that eight days previous notice shall be given to the parties, of the day on which the Court may propose to bring the suit to a hearing.

A notification of the day duly affixed in Court, shall be sufficient notice.

Second.—For this purpose, it shall be sufficient for the Court to affix, in some conspicuous place in the Court-room, a notification, specifying the number of the suit, the names of the parties and of the Wakeels respectively entertained in the suits, together with the date on which it may be intended that such suit shall be brought to a hearing before the Court; and such notice shall be held and considered to be in force, until the suit can be brought to a hearing, either on the day fixed, or any subsequent day.

The Court empowered to fine parties unprepared to file exhibits, or name witnesses on the day notified for the hearing of the suits.

Third.—If either of the parties in a suit, which may be brought to a hearing, after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits, or the names of his witnesses, or to furnish any explanations of the case which may be required by the Court,

and

and shall not assign sufficient and satisfactory reason for the delay, the Court is authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one fourth of the amount of the stamp duty paid on the institution of the suit. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the Courts are authorized either to impose a second fine, under the limitation above prescribed, or to proceed as in other cases of default.

Further penalty on repetition of similar neglect.

XVIII. *First.*—In the trial of Appeals, the prescribed pleadings shall be completed and read in open Court, before any exhibits are filed, or witnessess summoned in support of the allegations of either of the parties; unless special and sufficient reason be assigned for taking the immediate deposition of witnesses, without waiting until the pleadings are completed and read in open Court.

Pleadings to be read before exhibits are filed or witnesses summoned.

Exception.

Second.—If from the pleadings in the case, the points at issue cannot be clearly ascertained, or if, from any other reason, further explanations may be requisite, the Court shall, on the day on which the suit may be first brought to a hearing, make such enquiries from the parties, or their pleaders, as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings.

Court is to require any necessary explanations of the case, from parties or their pleaders.

Third.—The Court shall then consider and record the point or points to be established respectively by the appellant, and by the respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

The Court is to record the points necessary to be established by the parties.

Fourth.

And any additional points which may subsequently appear necessary.

Fourth.—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for requisite evidence, and no exhibit shall be filed, or witness summoned, unless expressly declared to be in proof, or refutation of some points, upon which the Court may have directed that evidence shall be taken.

No Evidence to be admitted except with regard to the points so recorded.

Cases in which the Sudder Adalut is empowered to take new evidence, or refer suits back to the Zilla Court.

Fifth.—The Sudder Adalut is empowered in cases of Appeal, in which it shall appear to them that the original suit has not been sufficintly investigated in the Zilla Court, or for any other cause which may be deemed reasonable, to receive such further evidence as the Court shall think necessary, for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Zilla Court, accompanied by such special directions to the Judge with regard to the new evidence he is to receive respecting the suit, as may be deemed by the Court most conducive to justice, and the convenience of the parties and witnesses. But in every case in which the Sudder Adalut shall exercise the power above vested in it, the Court shall enter upon the record of the trial, their reasons for having exercised it. In cases in which the Court shall judge it proper to receive such further evidence themselves, the Court is empowered according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, vivâ voce in open Court, first causing the witnesses to be sworn, and their depositions to be reduced to writing, and signed by the deponents respectively, or, to authorize the Register of the Court to swear the witnesses, and take their depositions, and to cause the deponents to sign them, and to authenticate them with his signature. The Register in such case, shall examine the witnesses, in the presence of both parties, or their Wukeels, who are to be at

The Court to record its reasons whenever the above powers are exercised. The Court is empowered to take evidence, or to order the Register so to do.

liberty

liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed, and authenticated. But if due notice be given to the parties, or their Wukeels, of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register shall proceed in the examination as before directed, and the depositions shall be received as good and authentic evidence.

Evidences of witnesses which may be required in certain cases by the Court, to be taken by Zilla Judges on written interrogatories.

Sixth.—It is hereby provided, that whenever a witness whose evidence may be required by the Sudder Adalut, may reside at such a distance, as to render his attendance before the Court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to the Court, the Sudder Adalut shall prepare and transmit to the Judge of the Zilla in which the witness may reside, distinct written interrogatories to be put to each witness, such interrogatories shall be prepared and signed by the parties, or their Wukeels, under the direction of the Court, and shall be countersigned by the Register. The Zilla Judge, to whom such interrogatories may be sent, shall proceed with the same in open Court, in presence of the parties, or their authorized pleaders, and shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties, or their pleaders, to put any other questions, which may appear relevant to the points at issue in the case.

The Court may empower a Judge of the Sudder Foujdaree Adalut proceeding on Circuit to take evidence in certain cases.

Seventh.—In cases in which the Sudder Adalut may from special reasons judge it adviseable, they are likewise empowered to cause the evidence of any witness to be taken in the prescribed form, before the Judge of the Sudder Foujdaree Adalut, who shall next proceed upon the Circuit, to the Zilla in which the witness may reside.

Court may dispense with the oaths of witnesses in certain cases.

XIX. *First.*—The Sudder Adalut may dispense with the oaths of the descriptions of witnesses which the Zilla Courts are authorized to exempt from taking oaths, on their signing in open Court, the declarations which are required to be subscribed by such witnesses in the Zilla Courts. Where witnesses shall be women of the description specified in Section VI. Regulation II. 1800, or shall reside out of the jurisdiction of the Court, the Court shall grant such Commissions as the Zilla Courts are authorized to grant, for the examination of such witnesses upon similar occasions. And the Sudder Adalut may issue such Commissions to creditable women, and send such letters to the Zilla Courts for the examination of witnesses, in the cases in which the Judges of the Zilla Courts are authorized to send such Commissions and letters.

And also direct their evidence to be taken by Commission.

Sudder Adalut how to proceed when witnesses do not attend, refuse to be sworn, or give their depositions, are guilty of contempt of Court, or perjury.

Second.—If a witness duly summoned shall not attend, or attending, shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person shall be guilty of wilful or corrupt perjury in a cause depending in the Court, or any contempt of Court, in open Court, the Sudder Adalut shall proceed with such witness or person, in the same manner as the Zilla Courts are authorized to deal with witnesses or persons in like manner offending.

All process of the Court (with certain exceptions) to be issued to the Zilla Judges.

XX. *First.*—All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Adalut, shall be written or printed in such of the languages of the country, as the Court may direct, and shall be sealed with the seal of the Court, and signed by the Register. All such process, rules and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties' Wukeels, or persons in actual attendance on the Court), are to be directed to the Judge of the Zilla in which

the cause of action shall originally have arisen, or in whose jurisdiction the parties may be, or reside. Every such process, rule, and order, shall limit a certain time in which it is to served, executed and returned to the Sudder Adalut. If the Judge of a Zilla Court to whom any process, rule, or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the Judge so offending, shall be liable to be suspended from his office by the Sudder Adalut. If the Sudder Adalut shall suspend any Judge under this Section, they are to notify the suspension to the Governor in Council, within ten days after it shall take place, together with the cause of it, and shall certify under the Seal of the Court, the proceedings, depositions and exhibits, and all other matters which may be necessary to enable the Governor in Council, to pass a determination upon the suspension, and to transmit to him on his requisition, any further papers and proceedings respecting the cause, which he may deem necessary for his information. But the Sudder Adalut is empowered, in cases in which for the sake of expedition, or other purpose, it shall judge it expedient so to do, to issue any process to parties or witnesses, immediately through any other channel, instead of directing it in the first instance to the Zilla Court.

Judges of Zilla Courts liable to be suspended by the Sudder Adalut, for refusing or omitting to obey, or to conform to its process or requisition.

Sudder Adalut to report to the Governor in Council, the suspension of Judges under this Section, within ten days.

The Court may issue process to parties or witnesses through any other channel than the Zilla Courts.

Second.—In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adalut, which may be directed to the Judge of a Zilla Court, the Judge to whom the process shall be directed, shall execute the order contained in the process, rule or order, and return it so executed within the time limited, or return to the Sudder Adalut good and sufficient reason why it has not been served or executed. When any pro-

Process of the Sudder Adalut, how to served by the lower Court.

To return the process executed, or reasons why it has not been executed.

cess,

Form & manner in which the return is to be made.

cess, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adalut to the Judge of a Zilla Court, to be served or executed, the return to such process, rule, order or decree, shall be made by the Judge, either by endorsement on the process, rule, order, or decree, or be written on a paper firmly annexed to it; and if the return be made in the last mentioned manner, there shall be an endorsement on the process, rule, order or decree, referring the Sudder Adalut to the return contained in such annexed paper, and the Judge shall cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the Records of the Court. And in all cases in which the Sudder Adalut shall transmit any order or process to be served, or executed by the Judge of a Zilla Court against a party in a cause, and the party on whom it is to be served or executed, shall not, after diligent search, be found, or shall have absconded, or shall have shut himself up in his own or any house or building, or shall retire to any place, so that the process cannot be served upon him, the Judge to whom the process shall have been directed, shall cause to be fixed up in some conspicuous part of the room in which the Court shall be held, a writing in the language of the district, containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Adalut will, without further notice, process, or order, proceed, ex parte, to hear, try, and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be fixed up, with all practicable dispatch, on the outer door of the house in which the party shall have commonly dwelt, or in some conspicuous place in the town or village in which he may have usually resided, and to return to the Sudder Adalut in the manner before directed, how he has executed the process.

Zilla Judge to cause a copy of the process and return to be deposited amongst the records of the Court.

Courts, how to proceed when process cannot be served upon the party, in consequence of his absconding or avoiding it.

Zilla Judge to fix up a writing in the Court room & at the place of residence of the party.

What the writing is to contain.

Third.

Third.—If the Judge of the Zilla Court shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not after diligent search to be found, and that he had caused the writing to be fixed up, in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the Sudder Adalut shall proceed, ex parte, to try and determine the cause in which the process, rule, or order, shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Sudder Adalut to proceed ex parte when a lower Court shall report, that a party has absconded, or was not to be found, after the observance of the forms herein directed.

XXI. If the appellant in an appeal, filed in the Sudder Adalut, shall not proceed in the appeal for six weeks, the appeal shall be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the Court, for not proceeding in it; and the Court, if it shall be deemed equitable so to do, shall award to the respondent costs of suit. But in all such cases, the Court shall enter at large upon its proceedings, the grounds upon which it may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if appellants omit to proceed in them within six weeks, without showing cause for omission.

Reasons for the dismission of the appeal to be recorded.

XXII. In appeals that shall be heard by the Court, no proceedings shall be held, nor any acts whatever done, either on behalf of appellant or respondent, excepting by the appellant or respondent respectively or by a Wukeel admitted to plead in the Court under the established regulations, nor by any Wukeel before his Wukalutnamah shall have been filed in the Court, and security given for his fees; and no persons, excepting such parties, or their witnesses, or such Wukeels, shall be heard, vivâ voce, in any stage in the cause.

No person to be heard in a cause except principals, Wukeels duly empowered, or witnesses.

XXIII. If a petition of appeal shall be preferred against the decision of any Zilla Court, founded on an award of arbitration, it shall be dismissed with costs; unless it be fully proved

Petitions of appeal from decisions founded on award of arbitration, to be dismissed with costs.

to

to the satisfaction of the Court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption, or partiality, in the cause in which they shall have made the award.

Proceedings of the Sudder Adalut, how to be numbered, marked, dated and signed.

XXIV. *First.*—The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adalut, shall be numbered, marked, dated and signed by the Register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated and signed by the Register in the Zilla Courts. The decrees shall be signed by the Judges present in Court when the decrees shall be passed, and attested by the Register; copies so signed, and attested, shall, on application, be delivered to the parties.

Decrees to be signed by the Judges & attested by the Register, and copies to be delivered to the parties.

Proceedings, summonses & process of the Court to be written or printed in the language of the Zilla from which the cause was appealed.

Second.—The proceedings, summonses, and other process issued by the Sudder Adalut, shall be written or printed in the current language of the Zilla, from which the suit may be appealed.

All orders & decrees to be written in English, with translations into the language of the Zilla from whence the appeal is received.

Third.—All orders and decrees passed by the Sudder Adalut shall be written in English, and shall have annexed or subjoined, a translation in the current language of the Zilla, from whence the Appeal may be received.

What decisions the Court may pass in appeals.

XXV.—The Sudder Adalut is empowered to confirm or reverse, in whole, or in part, all decrees from which the Court shall or may be authorised, to receive Appeals; and to make such further order on all such decrees, as justice, equity, and good conscience may require, and award such costs to either party, as it shall deem reasonable.

Interest allowed on the amount of decrees confirmed on appeal, and litigious appeals punishable by fine.

XXVI. If the Sudder Adalut shall confirm the decree of the Zilla Court, it shall adjudge interest, at the rate of one per Cent per mensem, on all sums receivable by the respondent under the

decree,

decree, and the Sudder Adalut is authorized to punish Appeals which may appear to it to be litigious, by a fine to Government, proportionate to the condition of the party, and the circumstances of the case.

Sudder Adalut, how to proceed against persons who shall resist its process.

XXVII. If any person shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Adalut, the Court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the Court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear and after receiving his answer to the charge and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court, that he is guilty of the charge, the Court is to adjudge the offender to pay such fine to Government as they may think proper, in the same manner as already provided in respect to the inferior Courts, in Section XXI. Regulation II. 1800. The Court is to proceed to levy the amount by the same process by which they are empowered to carry their decrees for sums of money into execution.

Offender to be summoned to answer for his misconduct.

Court, how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear; or shall appear, and be proved guilty of the charge.

How the Court is to enforce payment of the fine.

Single Judges empowered to hold sittings of the Court. Rules to be observed in passing orders and decrees.

XXVIII. *First.*—To facilitate the despatch of business, a single Judge shall hold separate sittings of the Sudder Adalut, for the hearing of all causes in the first instance, with the same powers, as if held before two or more Judges, and he shall be competent to pass orders and judgments in conformity with the Regulations, provided such order or judgment may be to affirm the decision or order of the lower Court. But whenever

a single Judge trying a cause or other matter, shall be of opinion, that the decision or order appealed from ought to be reversed, or altered, as well as in every case of doubt or difficulty, he shall only record his sentiments on the case, and refer it for the decision of a Court composed of two or more Judges; and their decision, guided by the rules hereafter mentioned, shall be carried into effect, and the decree or order shall be signed by the Judges present at the final sitting; the signature of the Judge who first sat shall not be considered requisite.

Rules to be observed on differences of opinion between two Judges.

Second.—Whenever two Judges shall sit, and a difference of opinion arise between them, the decision shall be passed according to the opinion of the Judge who may concur with the Judge who first sat under the provisions of the foregoing clause; but in cases where two Judges may differ, in a matter not previously before the Court, the determination shall be suspended until the opinion of a Third Judge can be taken, when the decision shall be passed according to the majority of voices.

Provision in case of a difference of opinion when four Judges are present, & the number of votes equal.

Third.—If in any instance a difference of opinion should take place on a question before four Judges, and the number of votes be equal, the Chief Judge concurring with any one of the other Judges shall possess a casting vote, and the resolution shall be passed accordingly.

Judges to regulate their own sittings, and Chief or Senior Judge to call extra meetings through the Register.

Fourth.—The Judges shall regulate their own sittings, in the manner most convenient; and whenever it may be requisite to call an extra meeting, it shall be summoned by the Register, on receiving orders for that purpose from the Chief Judge or Senior Judge on the spot, to whom it shall be left to determine when, and how often, such extra meetings shall be summoned.

Special Appeals from all decisions of Zilla Judges, shall lie to the Sudder Adalut, under certain restrictions.

XXIX. *First.*—A special Appeal shall lie to the Sudder Adalut under the rules prescribed by the following clauses, from the decisions of Zilla Courts, in all suits, or matters whatsoever, which

which shall be tried by the Judges of those Courts in Appeal from their Registers, Assistant Registers, and Sudder Umeens, or Moonsifs, provided that upon the face of the Decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force; or be in opposition to, or inconsistent with another decree of the same Court, or of another Court having jurisdiction in the same suit, or in a suit founded on a similar cause of action; or if it appear to be inconsistent with the Hindoo or Moohummadan Law, in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case; or unless the judgment shall involve some point of general interest or importance, not before decided by the Superior Court; or that there may appear strong probable ground, from whatever cause, of a failure of justice.

Party to present a petition to the Sudder Adalut.

Second.—When a party upon any of the grounds specified in the preceding clause, may be dissatisfied with a judgment passed on a regular Appeal by a competent Civil Court, and may in consequence be desirous of a second or special Appeal, he shall, within the limited period prescribed for the admission of regular Appeals, present a petition to the Sudder Adalut.

Petition to be written on stampt paper.

What it is to contain.

Third.—Such petition shall be written upon the stampt paper prescribed in Section XXV. Regulation XIV. of 1815, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds under clause first of this Section, on which the special Appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the Court. In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition, that he has duly considered the grounds stated

for

for admitting a special Appeal, under clause first of this section, and believes them to be well founded and sufficient.

Mode of proceeding when a special Appeal may be admitted.

Fourth.—If on a consideration of the circumstances of the case, the Court shall see reason for admitting a special Appeal, on any of the grounds stated in the first clause of this section, the appellant shall be required to furnish the like security, as is prescribed in cases of regular Appeals, and when the required security shall have been duly furnished, the Court will admit the special Appeal, and proceed to investigate the suit, under the same rules, as are prescribed for the trial and determination of regular Appeals.

Court authorized to refund a portion of the stampt duties in certain cases, when the petition for a special Appeal may be rejected.

Fifth.—If the Court shall not see sufficient reason for admitting the special Appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp, on which the petition may have been written, under clause third; the Court is however vested with a discretionary authority, in any particular instance of hardship, to refund any portion, not exceeding three fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

All orders passed by the Court regarding special Appeals to be final.

Sixth.—It is hereby declared, that the order of the Sudder Adalut refusing to admit a special or second Appeal, under the powers vested in it by this Regulation, as well as the judgments which it may respectively pass on special Appeals, shall in all cases be final.

Pleaders intitled to receive fees on the rejection of special Appeals.

Seventh.—When an application for a special Appeal presented through an authorized pleader to the Sudder Adalut, may be rejected by the Court, such pleader shall be entitled to receive from the party employing him, any remuneration for his trouble which the Court may think proper to adjudge, provided that such remuneration shall in no case exceed one fourth

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of

of the amount of the fee, to which the pleader would have been entitled, had the special Appeal been admitted, and determined by the Court.

Zilla Judges may certify to the Court cases which may appear to be fit objects for a special Appeal.

Eighth.—It is also declared to be competent for a Zilla Judge, in any case in which no further regular Appeal is open, and in which the parties may be desirous of a special Appeal, to certify to the Sudder Adalut (where the circumstances demand it), that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a special Appeal, in the admission of which, such of the above rules as may be applicable, shall be attended to.

Cases in which the Sudder Adalut may admit a summary Appeal.

XXX. *First.*—It shall be competent to the Sudder Adalut to receive a summary Appeal from the orders or decrees of the Zilla Court, in all cases, in which the latter may have refused to admit an original suit, or Appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it, without an investigation of the merits, on the grounds of delay, informality, or other default.

Limitation of time for the admission of summary Appeals.

Second.—In the preceding cases, the summary Appeal shall be preferred within the same limited period, as is prescribed for the admission of regular Appeals, and subject to the provisions contained in the following clauses.

On what description of stampt paper the petition for a summary Appeal is to be written.

Third.—Whenever a party may be desirous of preferring a summary Appeal in the cases abovementioned, he shall appear either in person, or by a Wukeel duly authorized, before the Sudder Adalut, and shall present a petition written on the stampt paper prescribed by clause second, section XXXVIII. Regulation XIV. of 1815 and accompanied by an attested copy of the order, or decree passed in the case.

Party not liable to pay the institution fee, nor to fur-

Fourth.—The party presenting such petition, shall not be liable

nish any deposit or security.

liable to the payment of the stamp duty substituted for the institution fee, by Section XXV. Regulation XIV. of 1815, nor shall he be required to furnish any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree, from which the Appeal may be preferred.

Exception.

Mode of proceeding in summary Appeals.

Fifth.—It shall not be requisite to give any notice to the Respondent, or to require his attendance, on such summary Appeal being preferred, unless in any particular instance the Court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary Appeal, excepting such as may suffice to determine, whether the suit was not rejected or dismissed by the lower Court on sufficient grounds, and in conformity with the Regulations.

In what cases the lower Court may be directed to receive or review the suit.

Sixth.—If upon such summary proceedings, it shall appear to the Court, that the suit was rejected in the first instance, or after having been admitted was dismissed, without an investigation of the merits, upon insufficient grounds, or in opposition to the Regulations, it shall be competent to the Sudder Adalut, to direct the lower Court, or officer from whose order or decree the petition of Appeal may have been presented, to receive the original suit or Appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits, according to the Regulations.

In what cases the Courts may reject the summary Appeal, and fine the appellant.

Seventh.—If on the contrary, such summary Appeal shall be found to be groundless and litigious, the Sudder Adalut is authorized and required to reject the petition for a summary Appeal, and to impose such fine on the litigious appellant, as may appear to be in each instance proportionable to the condition of the party, and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty

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which

which would have been payable by the appellant, on the institution of such case, as a regular suit or Appeal.

Eighth.—When a pleader may be employed in such summary Appeals, the Court is authorized to award to him such fee, as may be considered to be a sufficient compensation for his labour, provided that it shall in no case exceed one fourth of the fee to which such Wukeel would have been entitled, if the suit had been instituted, either as an original suit, or as a regular Appeal.

Provisions for pleader's fees in such cases.

Proviso.

XXXI. *First.*—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or Appeal by a Zilla Court, from which decree no further Appeal may have been admitted, and who, from the discovery of new matter or evidence, which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition to this purpose, to the Court in which the decree in question may be passed; such petition shall be written on stampt paper of the value prescribed in clause second section XXXVIII. Regulation XIV. of 1815, and shall be presented within the period of three calender months from the delivery or tender of the decree. The Courts are nevertheless authorized to admit applications for a review after the period abovementioned, provided that the parties preferring the same shall be able to shew just and reasonable cause to the satisfaction of the Court, for not having preferred such application within the limited period, in such case, however, the Courts are enjoined to proceed with caution, and to state at large upon the proceedings, their reasons for admitting such applications after the limited period. If the Courts shall be of opinion, that there are not any sufficient grounds for a review,

Provisions regarding the mode of applying for permission to review judgments from which no Appeal shall have been preferred.

view, they shall reject the petition, and their order to that effect shall be final; but if on the contrary, they shall be of opinion, that the review desired is necessary to correct an evident error, or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adalut, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them, and a copy of the decree passed in the case.

Provisions empowering the Sudder Adalut to grant a review.

Second.—The Court of Sudder Adalut, in cases referred to them under the preceding clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the King in Council (or though appealed, the proceedings in which may not have been transmitted), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adalut shall record on their proceedings, the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular Appeal.

Third.—The order of a Zilla Court, or of the Sudder Adalut, rejecting the petition for a review in the first instance, or of the latter Court refusing to sanction a review when applied for by a lower Court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable), subject to the conditions and rules, prescribed by the regulations in force for the admission of such appeals.

Court, how to act in cases for which no rule may exist.

XXXII. In cases for which no specific rules shall exist, the Sudder Adalut shall act according to justice, equity, and good conscience.

XXXIII. An Appeal shall lie from the decision of the Sudder Adalut, to the King's most Excellent Majesty and His Most Honorable Privy Council, in all regular Appeals under the provisions of Regulation V. 1818.

Appeal to His Majesty in Council.

XXXIV. In all cases not expressly provided for in Regulation IV. 1819, in which it shall appear to the Sudder Adalut, that the judge of a Zilla Court has been guilty of negligence or misconduct in the discharge of his duty, or whenever a report shall be made in pursuance of section X. Regulation IV. 1800, or in any case not expressly provided for by the Regulations, the Court of Sudder Adalut, after such enquiry as shall be judged necessary in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Adalut is directed to report to the Governor in Council, all instances of wilful neglect of duty, or aggravated misconduct by a covenanted servant of the Company, employed in any of the Civil Courts, whether in a judical or ministerial capacity, and whether such neglect or misconduct shall have been reported to the Sudder Adalut by a Zilla Court, or shall otherwise appear from the proceedings and papers before the Court. But if the case should appear to the Court, to involve an error of judgment only, or a slight default, for which an admonition from the Court shall be deemed a sufficient correction, the Sudder Adalut, in the former case, is authorized to notice the error for the information and guidance of the party who may have committed it; or, in the latter case, to advise him of his default, and to admonish him accordingly.

Rules for the guidance of the Sudder Adalut in cases of negligence or misconduct in any of the Judges or officers of the Civil Courts.

In certain cases, Court directed to report to the Governor in Council.

Error of judgment, or slight default, how to be corrected.

XXXV. The Court of Sudder Adalut constituted under section III. of this Regulation, shall possess all the powers previously

Former powers of the Sudder Adalut to continue.

viously vested by the existing Regulations in it, and shall perform all duties required to be performed by it, subject to such alterations and modifications as have been, or may at any time hereafter be, made therein by this or any subsequent enactment. And it is hereby further provided that all such parts of the Regulations in force as may refer to the late provincial Court of Appeal and may require to be acted on, shall be considered applicable to the Sudder Adalut, in the same manner as if they were originally intended to be enacted for the latter Court.

Regulations referring to the Court of Appeal, to apply to the Sudder Adalut, where necessary.

Causes how to be distinguished in the monthly registers.

XXXVI. That the Sudder Adalut may be apprized of the nature and number of the causes decided monthly by the Registers to the Zilla Courts, their Assistants, and native Commissioners, a list of the causes determined by them in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Adalut, by section XI. Regulation VI 1802, and the Judges shall likewise distinguish in their monthly abstract registers, such decisions as they may pass in appeal from the decrees of the Registers, their Assistants and native Commissioners, so that the Sudder Adalut may be informed of the number of Appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided, required to be transmitted to the Sudder Adalut by section XII. of that Regulation, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their Registers, their Assistants and native Commisioners, and also the suits that may be under trial before their Registers, their Assistants and native Commisioners.

Register to submit to the Court a monthly report of the abstract registers of the several Zilla Courts.

XXXVII. By the last day of each month, the Register to the Sudder Adalut, shall prepare to be submitted to the Court at its next meeting, a general report on the abstract registers, required to be furnished by the Zilla Courts by section XI.

Regulation

Regulation VI. 1802 for the preceding month. The report is to specify the number of suits appearing in the abstract register of each Court, to have been determined by the Judge and by his Register, or his Assistant, or by the native Commissioners, or adjusted by the parties.

Report to be submitted by the Register on half yearly reports of the Zilla Courts of causes remaining undecided.

XXXVIII. On the 15th February, and 15th of August in each year, or the first Court which may be held after those dates respectively, the Register shall submit to the Court, a report on the last half yearly reports of causes depending in the Zilla Courts, which they are required to furnish by section XII. Regulation VI. 1802. The report shall specify the number of causes depending before the Judge, the Register, his Assistant and the native Commissioners, in each Zilla, and the number of causes depending in the preceding half yearly report; so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The Register is to annex to his report, a summary of the reasons assigned by the several Courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half yearly reports.

To notice what abstract Registers or reports have not been transmitted.

XXXIX. In the event of any of the Zilla Courts omitting to forward their monthly abstract Registers, or half yearly reports, in time to enable the Register to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the Courts.

Rules for facilitating the preparing of the Register's reports.

XL. *First.*—To enable the Register to prepare the required reports and statements with greater facility, the following rules are prescribed.

An abstract of the number of causes determined, to be

Second.—The Judges of the Zillas are directed to insert at

the

inserted by Zilla Judges at the bottom of monthly Registers.

the bottom of their monthly abstract registers, an abstract of the number of causes determined as follows.

BY THE JUDGE.

In Appeal from decisions of the Register.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4

In Appeal from the decisions of the Assistant Register.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4

In Appeal from decisions of the Native Commissioners.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4

Tried in the first instance by the Judge.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4

By the Register.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4

By the Assistant Register.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
		— 4
		—
Carried over....		24

Brought over.... 24

By the Native Commissioners.

Decreed or dismissed, ...	2	
Adjusted by Razeenamahs of the parties, ..	2	
	—	4
Total		28

Third.—The Judges of the Zillas are to insert at the bottom of their half yearly reports of causes remaining undecided, the number of suits depending as follows.

Also to insert at the bottom of half yearly reports of causes undecided, the number depending.

Depending before the Judge.

In Appeal from decisions of the Register, ..	2	
In Appeal from decisions of the Assistant Register,	2	
In Appeal from decisions of the Commissioners,	2	
Under Trial before the Judge in the first instance,	2	
	—	8
Depending before the Register, ...	2	
Depending before the Assistant Register, ..	2	
Depending before the Commissioners, ...	2	
	—	6
Total		14

A. D. 1820. REGULATION VI.

A REGULATION *for abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zilla Courts.*—PASSED *by the Honorable the Governor in Council on the 29th of November* 1820, *corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet Era* 1877; *Salbahan* 1742; *and 22d of Suffer* 1236 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to abolish the Office of Assistant Judge, of Zilla Courts, and to make certain modifications in the constitution and jurisdiction of those Courts, from and after the 1st of January 1821.

Office of assistant Judge abolished and Regulation V. of 1815, rescinded.

II. The office of Assistant Judge in the Zilla Courts is hereby abolished, and Regulation V. of 1815, is rescinded.

Section VI. Regulation I. of 1802, rescinded, and appeals from Registers' decisions shall in every case lie to the zilla Judge.

III. Section VI. Regulation I. of 1802, whereby the decisions of the Registers to the Zilla Courts were made final in suits for Money or other personal property not excceding twenty five Rupees, is hereby rescinded, and an appeal shall hereafter lie to the Zilla Judges from all decisions passed by their Registers, provided that the appeal be preferred in all other respects, in conformity to Section II. Regulation IX. of 1802.

IV.

Section VII. Regulation II. of 1808, rescinded, and no regular appeal shall lie from the decree of a zilla Judge, on an appeal from a Register.

Proviso in respect to special appeal.

IV. No regular appeal shall lie to the Sudur Adalut from the Decree of a Zilla Judge on an appeal from a Register; provided however that nothing in this Section shall be construed, to prohibit the Sudur Adalut from admitting a second or special appeal from decisions passed by the Zilla Judges on regular appeals, from the original judgments of Registers, Assistant Registers, Sudur Umeens, or Moonsifs, such special appeals being admitted and tried, under the rules and restrictions prescribed for the guidance of the Court.

Common jurisdiction of Register.

V. *First.*—The Judges of Zilla Courts are authorized by the Regulations in force, to refer to their Registers for trial and decision in the first instance, original suits, in which the value or amount of the claim may not exceed five hundred Rupees.

What fees shall be paid to Register on deciding such suits.

Second.—On all suits referred to Registers which may be decided by them, they shall be entitled to receive one moiety of the amount of stamp duty substituted for the institution fee by Regulation XIV. 1815, instead of the rates prescribed by Section XXIX. of the Regulation just quoted.

Registers may be invested with further additional powers in the trial of suits.

VI. *First.*—Exclusively of the Ordinary jurisdiction of Registers of Zilla Courts, as explained in the preceding Section, the Governor in Council shall be deemed competent, to invest the Register of any Zilla Court with special additional powers in the trial and decision of regular Civil suits, under the following rules,

The Sudur Adalut to report to Government when such further powers may be necessary.

Second.—Whenever the accumulation of Civil suits, or the arrears of business depending in any Zilla Court, may render it impracticable for the Judge of such Court to try and determine the suits depending before him with sufficient promptitude and despatch, and the Sudur Adalut may be of opinion, either in consequence of a report from the Judge, or from any other information before it, that the Register of such Zilla Court is duly qualified

qualified by his experience, industry, and abilities, to be entrusted with the whole or any part of the special powers described in clauses fourth and sixth of this Section, the Sudur Adalut shall communicate its sentiments on the subject to Government, accompanied by a statement of the number of Civil suits of every description depending respectively before the Judge and Register of such Zilla Court.

Mode of granting such powers to a Register.

Third.—On the receipt of the report from the Suder Adalut, or upon any other information before Government it shall be competent to the Governor in Council to invest such Register with the whole or any part of the special powers described in the following clauses of this Section, and information shall be communicated in every instance in which such powers may be vested in a Register, to the Sudur Adalut, and to the Zilla Judge.

Appeals from the Sudur Ameens may be referred to Registers whose decisions on them shall be final. Exception.

Fourth.—The Register may be specially empowered to try and determine any depending suits, in appeal from the original decisions of Assistants to the Register, Sudur Umeens, or native Commissioners which the Zilla Judge may think proper to refer to him; the decision of the Register on such appeals shall be final, unless the Zilla Judge shall see sufficient reason for admitting a second or special appeal, which he is hereby empowered to do, in the same manner, and under the rules prescribed for the guidance of the Sudur Adalut in similar cases.

What fees the Registers shall receive for deciding such suits.

Fifth.—On suits which may be referred to a Register under the foregoing clause, or which may be decided by him, the Register shall be entitled to receive the full amount or value of the stamp duty substituted for the institution fee.

Original suits exceeding 500 Rs. in amount, may be referred to Registers.

Sixth.—The Registers may be further specially empowered to try and decide any suits above five hundred Rupees, and not exceeding one thousand in value or amount, originally instituted in the Zilla Court, which the Judge of such Court may think

think proper to refer to him. In the trial of all causes referred to a Register under this Section, he is to be guided by the rules which are prescribed for the trial of similar causes before the Judge of the Zilla Court.

What fees the Register shall be entitled to receive on deciding suits.

Seventh.—On every suit which may be referred to a Register under the preceding clause, and which may be decided by him, the Register shall be entitled to a moiety of the stamp duty substituted for the institution fee.

An appeal shall lie to the Sudur Adalut from decisions passed by a Register in such cases.

Eighth.—From all decisions passed by a Register on suits referred to him under clause sixth of this Section, an appeal shall lie to the Sudur Adalut, in the same manner and under the same provisions, as if such suits had been tried and determined in the first instance by the Zilla Judge.

Process and communications to a Register from the Sudur Adalut how to be issued.

Ninth.—In cases in which an appeal may lie to the Sudur Adalut from the original decision of a Register, under clause Eighth of this Section as well as in all cases in which the Sudur Adalut may have occasion to issue process regarding causes decided by or depending before a Register, such process shall be transmitted to the Judge of the Zilla Court, who shall forward the same to the Register, or shall himself comply with the exigency of it, if from absence or any other sufficient cause, the Register may be prevented from so doing. In like manner all returns and communications from a Register to the Sudur Adalut or to any other Court, authority or Office, shall be made though the Judge of the Zilla in which such Register may be employed.

Registers may be empowered to try appeals from another Register, in cases under 500 Rupees.

Tenth.—It is hereby further provided, that any person exercising the functions of a Register of a Zilla Court, may be invested with powers to try and determine depending appeals from decisions which may have been passed by another Register on the class of suits specified in Section III. of this Regulation.

lation. The Zilla Judges are hereby authorized to refer to Registers so empowered any suits of the description above adverted to, and such Registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance. No person however shall be vested with the power in question, who may not have been employed in the Judicial department for a period of at least six years, nor shall he be competent to try such Appeals except in cases in which the original decision may have been passed by a Register junior in the service, to the individual, on whom the special power in question may be conferred.

Provided he has been employed for six years in judicial duties.

And is senior in the service to the Register on whose cases he may sit.

Eleventh.—The Sudder Adaulut is empowered to admit a second or special Appeal, from the decisions which may be passed by Registers under the foregoing clause of this Section, and such special Appeals are to be admitted and tried in the same manner as other special Appeals, cognizable by the Sudder Adaulut.

Sudur Adalut may admit a spicial appeal from such decisions.

Twelfth.—Upon the death, removal or resignation of any Register who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the Office of Register, shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor in Council, and it shall at all times be competent for the Governor in Council, to revoke the special powers, which may have been entrusted to the Register of a Zilla Court under this Section, either from the arrears of business having been sufficiently reduced or for any other cause, which in the opinion of the Governor in Council, may render the adoption of that measure expedient.

Special powers not to be exercised by Registers without the previous sanction of Government, and such powers may at any time be revoked by the Governor in Council.

VII. The Judges of the Zilla Courts, are at all times authorized to recal from the Registers any depending suits, which may

Judges may recal suits referred to Registers.

may have been referred to them, and which for the more speedy administration of justice, or for any other reason the Zilla Judges may deem it proper to determine themselves in the first instance, or to refer to any other competent authority.

Additional Registers may be appointed to any Zilla Court.

VIII. *First.*—It shall be competent to the Governor in Council to appoint one or more Registers in any Zilla Court, in addition to the person holding the office under the established constitution of the Courts. Such additional Registers shall be denominated second or third Register, and shall possess the same powers, and perform the same duties, as the Registers to the Zilla Courts under the Regulations in force, either in their ordinary jurisdiction, or under the special powers with which they may be vested, in conformity with section VII. of this Regulation.

Additional Registers to be also additional senior Assistants to the Criminal Judges.

Second.—Additional Registers shall also be additional Senior Assistants to the Criminal Judges of the Zilla Courts under section XLIII. Regulation III. 1818.

Zilla Judge of Surat empowered to refer suits cognizable by their Register to the Register of the Sudder Adaulut; such power not to interfere with their duties as Register to the Sudder Adaulut.

IX. *First.*—The Judge of the Zilla of Surat, within whose jurisdiction the Court of Sudder Adaulut is fixed, is hereby authorized to refer to the Register of the Sudder Adaulut, any original Civil suits cognizable by the Zilla Registers under section VI. of this Regulation, and which may be now or hereafter depending in his Zilla. In the trial of such suits, the Register to the Sudder Adaulut will exercise the same powers, and be guided by the same rules, as are applicable to the Zilla Registers generally, he shall also be entitled to the same fees, on the decision of the suits as Zilla Registers, but he must be careful that the trial of such suits be not allowed to interfere with his primary duties as Register of the Sudder Adaulut.

Zilla Judge to appoint a place for his Court, in the Zilla Court House.

Second.—Whenever such duties shall be confided to the Register to the Sudder Adaulut, the Zilla Judge shall appoint

a convenient place for his Court to be holden, in the Zilla Court House.

X. *First.*—It shall be competent to the Zilla Judges, to receive a Summary Appeal from the orders or decrees of a Registers, Assistant Registers, Sudder Umeen, or native Commissioners, in which they may have refused to admit an original suit or appeal, regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality, or other default.

Zilla Judges may receive summary appeals from orders or decrees of inferior Courts.

Second.—The Zilla Judges shall regulate their proceedings in the admission, and having of such Summary Appeals, by the same rules, as are prescribed for the guidance of the Sudder Adaulut in similar cases.

Zilla Judge shall regulate their proceedings in same manner as the Sudder Adaulut in such cases.

A. D. 1820. REGULATION VII.

A **REGULATION** *for uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a Court, to be styled the Sudder Fuojdaree Adalut; to fix the seat of this Court at Surat, and to provide for the appointment of the Judges; and also for prescribing the duties of the Court, and extending the powers of the Criminal Judges.*—**PASSED** *by the Honorable the Governor in Council on the 29th of November* 1820, *corresponding with the 9th of Kartkic Vud Sumbut or Vikramajeet Era* 1877; *Salbahan* 1742; *and 22d of Suffer* 1236 *of the Hijree.*

Preamble.

WHEREAS it has been found expedient to unite the powers and functions, hitherto relatively possessed and exercised by the Provincial Court of Circuit and Superior Tribunal, in a Court to be styled the Sudder Fuojdaree Adalut; it having likewise been resolved to fix the seat of the said Court at Surat, the Sudder Fuojdaree Adalut being composed of the same Judges as the Sudder Adalut; and whereas an extension of the powers of the Criminal Judges has been deemed advisable, the following rules have been enacted, to be in force from the 1st January 1821.

II.

Regulations III. 1800 and VIII. and IX. 1812 rescinded.

II. Regulation III. 1800 and Regulations VIII. and IX. 1812 are rescinded.

Denominations of "Provincial Court of Circuit" & "Superior Tribunal" abolished; powers, functions and duties of these Courts united in the Sudder Fuojdaree Adalut.

III. The denominations of "Provincial Court of Circuit" and "Superior Tribunal" are abolished; and the powers, functions and duties of these Courts, as hitherto relatively possessed and exercised by them, with such extention and modifications as are hereafter provided, are hereby united in a Court, which shall hence forward be styled the Sudder Fuojdaree Adalut.

Surat the seat of the Sudder Fuojdaree Adalut: seal of the Court.

IV. The City of Surat shall be the seat of the Sudder Fuojdaree Adalut: the Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect in the Persian, Guzuratee and Mahratta languages and characters,—"The seal of the Sudder Fuojdaree Adalut."

The Court to consist of four Judges.

V. The Court of Sudder Fuojdaree Adalut, shall henceforth consist of four Judges, to be denominated, respectively, Chief Judge, Second Judge, Third Judge and Fourth Judge of the Sudder Fuojdaree Adalut, and they shall be selected and appointed by the Governor in Council from among the covenanted civil servants of the Company.

Oath to be taken by the Judges.

VI. The Chief Judge and each of the puisne Judges who may be appointed to the Court of Sudder Fuojdaree Adalut, previous to entering upon the duties of his office, shall take and subscribe before the Governor in Council, or such person as he may commission to administer it, the following oath.

I. A. B., solemnly swear, that I will truly and faithfully execute the duties of Judge of the Court of Sudder Fuojdaree Adalut, that I will administer justice according to the Regulations that have been or may be enacted by the Governor

nor in Council, to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party, in any suit or prosecution, from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided, in the Court of Sudder Fuojdaree Adalut of which I am Judge; nor will I knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the said Court; nor will I directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize.

So HELP ME GOD."

Register & Assistant Register to the Sudder Adalut to be Register and Assistant Register, to the Sudder Fuojdaree Adalut.

VII. The Register and Assistant Register to the Sudder Adalut shall also be Register and Assistant Register to the Sudder Fuojdaree Adalut; and previous to entering upon the duties of their offices, they shall take and subscribe before the Court the following oath.

Oath to be taken by these Officers.

I, A. B., Register (or Assistant to the Register) to the Court of Sudder Fuojdaree Adalut, do solemnly swear, that I will truly and faithfully perform the duties of the Register (or Assistant to the Register) to this Court according to the best of my knowlege and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Fuojdaree Adalut, of which

which I am Register (or to the Register of which I am Assistant); nor will I directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor in Council do or may authorize.

So help me God."

Law officers and ministerial officers of the Sudder Adalut, to be the law officers and ministerial officers of the Sudder Fuojdaree Adalut.

VIII. The native law officers and ministerial officers of the Sudder Adalut, shall also be the law officers and ministerial officers of the Sudder Fuojdaree Adalut, and previous to entering upon the duties of their offices they shall make and subscribe the following solemn declaration, as prescribed by clause second Section II. Regulation V. 1819.

Declaration to be made by them.

I. A. B., Kazee (Mooftee or Pundit, Nazir, or Surishtadar) of the Court of Sudder Fuojdaree Adalut, solemnly declare, that I will truly and faithfully perform the duties of Kazee (Mooftee or Pundit, Nazir or Surishtadar) of the Court, according to the best of my knowledge and ability: and that I will not receive directly or indirectly, any present or nuzzer, either in money or in effects of any kind from any party in any suit or prosecution to be instituted, or which may be depending or have been decided, in the Court of Sudder Fuojdaree Adalut of which I am Kazee (Mooftee, Pundit, Nazir, or Surishtadar), nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize.

Court to meet as often as may be necessary.

IX. The Court shall meet as often as the state of business may require, and shall keep a regular book of its procedings.

Court to have cognizance of all matters relating to the administration of criminal justice and the police, & to call for proceedings of Criminal Judges or Zilla Magistrates.

X. *First.*—The Court it empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and to call for the proceedings of Criminal Judges and Zilla Magistrates whenever found necessary, and to pass such orders thereupon as they may deem proper and consistent

consistent with the Regulations. The Court shall also take cognizance of matters regarding the police of the country, and shall submit to the Governor in Council such Regulations regarding it and the administration of Criminal Justice, as it may deem advisable.

Powers vested in the Sudder Fuojdaree Adalut, in cases of disobedience or neglect, or false return to any process, rule or order by a Criminal Judge or Zilla Magistrate; and how to proceed.

Second.—The powers vested in the Court of Sudder Adalut to suspend from office any Judge of a Zilla Court for disobedience or neglect of any process, rule or order of the Court of Sudder Adalut, or for a false return thereto, are hereby declared to be vested in the Court of Sudder Fuojdaree Adalut, in similar cases of disobedience, neglect or false return, by any Criminal Judge or Zilla Magistrate, to any process, rule or order of the Sudder Fuojdaree Adalut, which Court is authorized and directed to proceed in such cases of disobedience, neglect or false return, as well as upon cases of neglect or misconduct by Assistants to the Criminal Judges or Zilla Magistrates, or other ministerial officers, in the same manner as is prescribed for the guidance of the Sudder Adalut; and in all cases wherein a covenanted servant of the Company, employed in any Criminal Court, or in any office of police, may appear to the Sudder Fuojdaree Adalut to have been guilty of neglect of duty, or other misconduct, not expressly provided for by the Regulations, the Court is either to report the same to the Governor in Council, or to advise and admonish the party, as the case may require.

General rule when a covenanted servant may appear guilty of neglect of duty or other misconduct, not provided for by the Regulations.

Jail deliveries to be held before the Puisne Judges of the Sudder Fuojdaree Adalut.

XI. *First.*—The jail deliveries at the seat of the Court, and in the several Zillas, shall be held before the Puisne Judges of the Sudder Fuojdaree Adalut, in regular succession.

Two general jail deliveries to be made annually: exception. One Judge to make the Circuit of all the Zillas. Circuits to commence on the 1st March and 1st of October.

Second.—There shall be two general jail deliveries, annually, in each Zilla, with the exception provided for in the next clause; for which purpose each Puisne Judge shall, in rotation, make the Circuit of all the Zillas. The first Circuit shall commence on the 1st day of March, and the second on the first day of October, in each year respectively.

Third.

The jail deliveries for the Zilla of Surat to be held quarterly, before one of the Puisne Judges of the Sudder Fuojdaree Adalut.

Third.—The jail deliveries of the Zilla of Surat, shall be held quarterly before one of the Puisne Judges of the Sudder Fuojdaree Adalut, alternately, and shall commence on the first of the months of January, April, July and October, respectively, in each year.

Judges to remain at the station of the Criminal Judges, until all the prisoners, whose trials can be completed, are tried and sentenced, or their cases are referred to the Sudder Fuojdaree Adalut.

XII. One of the Puisne Judges shall proceed to the places of residence of the Criminal Judges of the several Zillahs, and unless it be found indispensably necessary from the non attendance of any material evidence, or other sufficient cause, to postpone any trial until a future Session, the Judge shall remain at such station, until all persons committed, or held to bail for trial, by the Criminal Judge, shall have been tried; and (in matters in which sentence is directed to be passed by the Judge) sentence shall have been passed upon them; or (in cases in which the Judge is not authorized to pass sentence, or in which his sentence is not final) the trial referred to the Sudder Fuojdaree Adalut.

Provisions for cases of death and other casualties.

XIII. In case of the death of the Judge proceeding on Circuit, or of his inability to perform the Circuit from sickness or any other unavoidable impediment, and in like manner, in case of the death of any of the other Judges, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

The Native law officers of the Zilla Courts to officiate as the Native Law Officers to the Judge on circuit. Declaration to be made by them.

XIV. The native law officers of the Zilla Courts shall officiate in those capacities to the Judge on Circuit; and previous to entering on the execution of their duties they shall make and subscribe before the Judge, the declaration prescribed in Section VIII. of this Regulation.

Rules respecting examinations taken before the Criminal Judges.

XV. *First.*—All examinations taken before the Criminal Judges are to be written on separate papers, signed by the deponents,

deponents, attested by the signature of the Criminal Judge, and arranged according to their respective dates; and, in the examination of witnesses, as well before the Criminal Judge as before the Court of Circuit, the following rules are to be strictly attended to.

Rules for the examination of parties and witnesses.

Second.—All examinations of parties, and witnesses, are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished, or, if unable to read, it is to be read to him, after which, if he admit the record to be correct, he is to affix his name or mark to it; and the Judge, Magistrate or other officer, before whom such examinations may have been taken, is to certify the same, under his official signature, on the original record, that the proceedings may be complete, for the perusal of the Sudder Fuojdaree Adalut and its law officers, in the event of the trial being referred to that Court.

Examinations to be taken down in the language preferred by the party.

Party to read it or hear it read, and if approved to attest it.

Judge to certify it.

Third.—In the examination of witnesses, leading questions suggesting an answer, or having a tendency to such suggestion, are to be carefully avoided, and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess, and lead to a discovery of the truth; with this view, the parties are to be allowed to cross-examine them when necessary, for the same purpose.

Leading questions to be avoided.

Party and Judge to cross examine.

Fourth.—All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and, if a married woman, the name of her husband, also the religion, cast, profession, and age of the party or witness, and the place of their residence.

What the examinations are to specify.

Fifth.—When any stolen property, or instruments of violence, stated to have been found upon the prisoners, or in their houses,

In what manner examinations to be made respecting stolen goods.

houses, are produced before the Criminal Judge or Court of jail delivery, the prosecutor and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property, or instruments recognized by them, and the circumstances of the same having been found upon the prisoners, or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence, to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

Sixth.—With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the Moolla Kooranee, or of the Brahmin, or other officer for swearing witnesses, to repeat aloud to them, in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively, vizt.

"In delivering your evidence under the oath now adminis-
"tered, you are required to declare the truth, the whole truth,
"and nothing but the truth; you are carefully to distinguish
"what you personally know as eye witness, or otherwise, from
"what you may have heard from others; and are solemnly bound
"to answer all questions put to you on the trial before the
"Court, without any regard to the prosecutor or prisoner, to
"the best of your information and belief."

Judge to notice any variations in the deposition of the same witness.

Seventh.—The Judge on circuit is to be careful to notice, on his proceedings, any material differences between the depositions of the same witnesses before him, and the Criminal Judge, and is to question the witnesses thereupon and record their answers.

Deposition to be taken in writing, in the language in which the deponent is most conversant.

XVI. All examinations and depositions are to be taken and written, in the language in which the deponents are most conversant.

Manner in which the trial of the Prisoner is to be conducted.

XVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or, if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judge is to determine as to the matter of fact; in the event of his deeming the charge not proved, he is immediately to pronounce the party acquitted, and to discharge him from the bar: but where, on the contrary, he considers any degree of guilt as proved on the party, he is to proceed to judgment, if the prisoner be a Christian, Parsee, or of other religious persuasion, not Moohumeedan or Hindoo, on the principles of the English law; but if the party tried be a Moohumeedan or Hindoo, the Judge is to draw up a summary of the case which is to conclude by a question thereon, to be stated to the native expositors of the law of the religious persuasion of the parties respectively, as to what punishment is thereby assigned to such offence, on the ascertainment of which, the Judge is on the spot, to pronounce judgment on the party accordingly, except in cases in which he is expressly directed not to pass sentence, and to proceed to issue his warrant for the execution of it, without further reference or delay; provided however, that, in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judge shall transmit a copy of the sentence and of all the papers and proceedings read and recorded during the trial, to the Sudder Fuojdaree Adalut, and shall not execute such sentence, but shall wait the final judgment of that Court.

Persons allowed to prosecute by Wukeel.

The rule not to prevent the Court re-

XVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a Wukeel duly appointed. This rule, however, is not meant to prohibit the Judge

quiring, if necessary, the personal attendance of prosecutors.

Exceptions, and limitations.

Judge causing prosecutors to attend in person in every case in which their viva voce evidence shall be deemed necessary, provided they be not Moohumeedan, Hindoo, Parsee, or other women, of a rank and situation in life, which according to the custom and prejudices of the country, would render it improper to compel them to appear in a Court of Justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judge shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty, and consistent with the manners of the country.

How the Court is to proceed, in case the deposition of any witness cannot be obtained.

XIX. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judge may postpone the trial until the next Session, provided there shall appear to him sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judge may, in like manner, postpone the trial a second time. But if the Judge shall be of opinion that the evidence of any witness or witnesses who may be absent, is not necessary, he shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers, if the parties tried be Moohumeedans, are to deliver their Futwas according to Yusuf and Moohumed.

XX. On trials for murder, the law officers shall, where the parties tried are Moohumeedans, deliver their Futwah, or law opinion upon the case, according to the doctrine of Yusuf and Moohummed, respecting which, and the law of the Hindoos likewise, the Judge may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed, and by Sir William Jones, as likewise the tract entitled, "Observations,"

for

for the purpose of assisting him in appreciating the accuracy and the applicability of the expositions of the law officers.

No Criminal to suffer mutilation.

XXI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be declared, in conformity to the exposition of the law officers, liable to the penalty of losing two limbs, instead of being made to undergo such punishment, he may be imprisoned and kept to hard labour for fourteen years: and if declared liable to lose one limb, he may in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be declared liable to suffer mutilation, to commute such punishment by their sentence, for imprisonment and hard labour for the terms above precribed, and to issue their warrant to the Criminal Judge for that purpose.

Punishment to be inflicted in lieu of it.

Rule in respect to sentences for Deyat or price of blood.

XXII. In the event of the answer of the law officer ascertaining, in the case of Moohumeedan culprits, the penalty of the law to be Deyat, or the price of blood, the Court of jail delivery is to commute the fine to imprisonment for such period as it may consider adequate to the offence.

How the Court is to proceed, if disapproving of the legal exposition of the law officers.

XXIII. Whenever the Judge shall disapprove of the exposition of the law, he is not to pass sentence on such cases, but shall complete the trial, and transmit to the Sudder Fuojdaree Adalut, a copy of all the proceedings, and the legal exposition of the law officer, with a separate letter, stating the ground of his disapproval, and leave the case to the judgment of the Court; which may be either in concurence with the exposition of the law, or in mitigation, but not in enhancement of the requisition thereof; and such judgment is to be valid and final. In like manner, when the Court may feel at a loss on the proper application of the English law, in the instance of the trials of Christians, Parsees or others not being Moohumeedans or Hindoos, the

Or entertaining doubts as to the proper application of the English law.

Judge

Judge may make a report of the case, and submit his doubts to the Governor in Council, who will obtain for him a legal opinion on the case, by which the Judge shall be guided in passing sentence.

Religious persuasions of witnesses not to invalidate their testimony.

XXIV. The religious persuasions of witnesses shall not be considered as a bar to the conviction, or condemnation of a prisoner, in cases in which the evidence given on a trial would be deemed incompetent by the Moohumeedan law, solely on the ground of the persons giving such evidence, not professing the Moohumeedan religion.

Persons convicted of putting to death any one as a sorcerer, to be held guilty of murder, and punished accordingly.

XXV. If any person or persons of any cast or persuasion within the Company's provinces, shall hereafter put any person to death, on the ground of his or her being versed in, and practising sorcery, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be punished accordingly; and if any person shall either actually form themselves into an assembly, for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall, in consequence, be put to death, they shall be considered as accomplices in the murder, and be dealt with accordingly.

Persons holding an assembly for the trial of witchcraft, to be considered accomplices.

The Judge on Circuit is, if practicable, to transmit those trials first, to the Sudder Fuojdaree Adalut, on which the prisoners have been sentenced to capital punishment.

XXVI. The Judge on Circuit is to transmit to the Sudder Fuojdaree Adalut copies of his proceedings on the trial of all prisoners whom he may sentence to suffer death, or who may in his opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier, as from the state of business may be practicable. He is further directed, in the transmission of trials to the Sudder Fuojdaree Adalut, to give a preference, as far as practicable, to those trials in which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such, under the Regulations.

The Judge on Circuit is to transmit to the Sudder Fuojdaree Adalut, as soon as possible after the close of any trial referrible to the Court, a counterpart of the original record.

XXVII. The Judge of the Court of Sudder Fuojdaree Adalut before whom the jail deliveries for the several Zillahs may be held, shall as soon as possible after the close of any trial referrible to the Sudder Fuojdaree Adalut, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to that Court a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to such trial. The record to be so transmitted is to be authenticated by the signature of the Judge, before whom the trial may have been held, and is to include the whole of the proceedings held before the Court, with every examination, exhibit, or material paper of whatever denomination, taken by, or delivered to that Court. The whole of the proceedings and papers received from the Criminal Judge upon the case referred, are also to be annexed to, and transmitted with the proceedings of the Court; but any variations between the depositions of the witnesses before the Criminal Judge and Court of jail delivery are to be carefully noticed on the proceedings of the latter; and any confessions of the prisoners before the Criminal Judge, any inquest taken in cases of homicide, or any other evidence appearing on the proceedings of the Criminal Judge, are to be entered, with the necessary proofs, on the proceedings of the Court of jail delivery.

In what manner such record is to be authenticated; and what it is to contain.

Proceedings and papers received from the Criminal Judge to be also transmitted. Variations in the depositions of the same witness to be noticed.

Confessions of prisoners, inquests and other evidence before the Criminal Judge, when to be entered, and how.

Punishment to be inflicted on persons guilty of contempt of Court, in open Court.

XXVIII. The Judge on Circuit is empowered to direct the Criminal Judge to cause any person or persons who may be guilty of contempt of Court, in open Court, to suffer corporal punishment with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Incapacity or misconduct in public duty, or profligacy in private behaviour, in the law officers, to be reported to the

XXIX. The Judge on Circuit is to report to the Sudder Fuojdaree Adalut, every instance in which it shall appear to him that the Native Law Officers have shown incapacity for their

Sudder Fuojdaree Adalut.

their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Judge on Circuit to visit the criminal and civil jails; to issue orders for the better treatment, accommodation and security of the prisoners.

XXX. The Judge on Circuit is to visit the jails, civil as well as criminal on every Circuit, and to issue to the Judge, or Criminal Judge, such orders as may appear to him advisable for the better treatment, accommodation, or security of the prisoners.

Neglect or misconduct of the Criminal Judges or Zilla Magistrates to be reported to the Sudder Fuojdaree Adalut.

XXXI. The Judge on Circuit is to report to the Sudder Fuojdaree Adalut, every instance in which it shall appear to him that Criminal Judges or Zilla Magistrates have been guilty of neglect, or misconduct, in the discharge of their duty. He is also to acquaint the Sudder Fuojdaree Adalut whenever the Criminal Judges or Zilla Magistrates omit or refuse to obey his orders.

The Judges, individually, to submit to the whole Court, rules for the better regulation of trials & other matters.

XXXII. The Judges, individually, may submit to the whole Court, such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Judges after each Circuit to report their observations on the effect of the system, the state of the jails and other particulars.

XXXIII. The Judges on their return from each Circuit, are to lay before the whole Court, a report containing such observations as they have made during the Circuit, regarding the effect of the present system, for administering the criminal laws, in the prevention and punishment of crimes, as well as respecting the state of jails, the treatment and employment of the prisoners, and such other matters as they may think deserving the notice of the Court.

Pecuniary compensations and sums as damages to individuals, not to be recoverable in the Criminal Courts.

XXXIV. *First.*—No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any Court of criminal jurisdiction, save and except to the use

of

of Government; and whenever a fine to the use of Government shall be imposed, the Court, which may pass the sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which, the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded under this section, as an equivalent for fines imposed, shall be temporary in all cases, and not for life; and such sentences shall be executed without reference to the Sudder Fuojdaree Adalut.

Fines how to be imposed; for whose use; what period of imprisonment is to be held equivalent to the fine.

Second.—Whenever the law officers of the Court of jail delivery shall declare prisoners liable to pecuniary fines of any kind, for any other acts than murder, the Court shall, at its discretion, commute such fines to imprisonment, for such period as it may think adequate to the offence, and the sentences in such instances shall be carried into execution, without reference to the Sudder Fuojdaree Adalut, if for temporary imprisonment: or referred to that Court, if for imprisonment for life, which shall at its discretion confirm the said sentences, or mitigate, or entirely remit the imprisonment awarded.

Court of jail delivery empowered in certain cases to commute sentences of fines to imprisonment for a term, or for life; but when for life, their sentences referrible to the Sudder Fuojdaree Adalut.

Third.—Nothing contained in this section, shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the Criminal Judges, and Court of jail delivery, nor to restrict the Criminal Court from adjudging a reimbursement of costs actually incurred, upon a prosecution before it, by either of the parties thereto, in particular instances, wherein it may consider such reimbursement just and equitable; nor to restrict the Zilla Magistrates and Criminal Judges from making the award of the whole or portion of a fine, in cases of personal injuries, prescribed by clause second section XXXVII. and section LXXIV. Regulation III. 1818.

This section not to prevent the restitution of stolen goods, nor of reimbursement of costs, in particular cases; nor the application of a fine, when levied in cases of personal injury, provided for by clause Second Section XXXVII. & Section LXXIV. Regulation III. 1818.

Appeals to be tried by the Puisne Judge on Circuit in the Southern Concan.

XXXV. A Puisne Judge of the Sudder Fuojdaree Adalut when on Circuit in the Zilla of the Southern Concan, is hereby authorized to try Appeals, under the General Regulation, in causes in which the ground of action may arise within that remote district, and which shall have previously been regularly admitted upon the file of the Sudder Adalut.

Authority for the Judge's proceeding, & how his acts are to be regulated.

XXXVI. An order of Court, by the Sudder Adalut, shall be the authority for the Judge's proceeding in such cases; and his acts shall be regulated by the like powers and subject to the same restrictions, limitations and exceptions as are prescribed to the Zilla Court.

If the decree affirm the decision of the lower Court, a further Appeal to the King in Council only to be allowed.

A special Appeal to the Sudder Adalut, or regular Appeal to the King in Council, at the option of the party cast, allowable, when the decree reverses the decision of the lower Court.

XXXVII. If the decree of the Judge, acting under the authority granted by the two preceding sections, affirm the decision of the lower Court, no further Appeal shall be allowed, except the party cast be desirous of carrying the suit before the King in Council; but when his decision may have reversed the decree of the lower Court, the party cast may prefer a special Appeal in the case, to the Sudder Adalut collectively, under the conditions prescribed by the Regulations for such Appeals, or he may appeal the case, in a regular manner, to the King in Council.

Powers granted to the Judge on Circuit to inquire into and regulate the proceedings of the Zilla Civil Courts.

And to introduce improvements.

XXXVIII. The Judge on Circuit, in addition to the powers of superintendence and revision vested in him by the existing Regulations, shall also have authority to enquire into and regulate the proceedings of the Zilla Civil Courts, with the view to maintain a due obedience to the Regulations of the Government, and an uniformity of system; it shall also be competent for him to propose the introduction of improvements in the method of proceeding, in any Zilla, which may have been found useful in another.

Provisions for their guidance, on a difference of opinion aris-

XXXIX. Should any difference of opinion arise between a

Judge

Judge on Circuit, exercising the functions prescribed in the foregoing Section, and a Judge, Criminal Judge, or Zilla Magistrate, regarding the meaning and construction of any Regulation referred to by the former, in any order or instructions he may issue to such local authorities, the question shall be referred to the Sudder Adalut, or Sudder Fuojdaree Adalut, collectively, according as it may be connected with the administration of Civil or Criminal Justice, which Courts shall proceed to decide upon it agreeably to the provisions of Regulation VIII. 1820. But should a Judge, Criminal Judge, or Zilla Magistrate, entertain doubts of the utility of any improvement suggested by the Judge on Circuit, for which no specific provision by Regulation may have been made, and the Judge after duly considering the objection stated, continue of opinion that the suggested improvement ought to be introduced, he shall suspend further proceeding, and report the circumstances of the case, with his sentiments thereon, to the Governor in Council, who, if agreeing with the Judge on Circuit as to the utility and fitness of the suggested improvement, will either direct the Sudder Adalut, or Sudder Fuojdaree Adalut, according as the question may pertain to the administration of Civil or Criminal Justice, to frame a corresponding Regulation, and submit it to the Government, or, will issue such orders on the case as may be judged most proper; should the Governor in Council disapprove of the improvement recommended, and communicate his sentiments to the Judge, or Court collectively, all proceedings therein shall thenceforward cease.

ing between the Judge on Circuit & the local authorities on the meaning and construction of any Regulation, referred to by the former.

And for a reference to the Governor in Council in the event of those authorities entertaining doubts of the utility or fitness of any improvement suggested by the Judge on Circuit.

How to be determined.

XL. The Court of Sudder Fuojdaree Adalut shall have jurisdiction and authority to decide on all matters referred to it by the Judge on Circuit; wherein, after considering the proceedings, it is either to require further evidence, if it see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party,

Jurisdiction of the Sudder Fuojdaree Adalut in matters referred to the Court, by the Judge on Circuit.

party, or parties tried, or the custom of the country, without being bound by the former, in cases of Moohumeedan culprits, where the law of that religion, may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand Kissas or retaliation; or by its failure, from the parties standing in the relation of parent and child, or master and slave, or otherwise, in which cases, the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

Chief Judge to be fixed at the seat of the Court. Three Judges, whenever practicable, to sit on trials referred by the Puisne Judge on Circuit. Chief Judge not to sit on the quarterly Sessions at Surat, that he may be able to preside in the Court of Sudder Fuojdaree Adalut, trying references from the Sessions.

XLI. *First.*—It being expedient that the Chief Judge of the Sudder Fuojdaree Adalut, should remain fixed at the seat of the Court, for the conduct of the public business, and that the proceedings on trials referred to the Court collectively, by a Puisne Judge on Circuit, should, in every instance, come before three Judges, unless when the absence of any member of the Court shall be caused by sickness or other unavoidable impediment; and as the reference of cases by the Judge delivering the jail of Surat, at the Quarterly Sessions established for that Zilla, will generally be made while a Puisne Judge is absent on Circuit, it is further advisable that the Chief Judge should preside in the Court, composed of two Judges, which shall revise such proceedings, and this is, accordingly, together with the provision made in the first part of this clause, hereby so provided for and directed. It shall also be considered an invariable rule, that the Judge who tried a case or referred any question to the Sudder Fuojdaree Adalut, shall forbear to attend the Court when such case is revised or question examined, although present at the seat of the Court, at the time.

Court of Sudder Fuojdaree Adalut consisting of not less than two Judges, to meet on receiving references from the Judge on Circuit.

Second.—On the receipt of the proceedings referred to the Court by a Judge on Circuit, the Court of Sudder Fuojdaree Adalut, consisting of not less than two Judges, shall meet, and the Register shall lay before them the proceedings of the

Judge,

Judge, including the question propounded by him, and referred for the opinion of the Native law officer, with the exposition of the law thereon. After duly considering the same, if the Court concur in the conviction, they shall require their law officers to state, in writing, whether the Futwah or Wuwusta of the law officer is conformable to the laws of the religion of the defendants, or accused parties; if it be not, they shall state what Futwah or Wuwusta ought, in their opinion, to have been delivered, and subscribe their names to their respective opinions; when the Court of Sudder Fuojdaree Adalut, after perusing the proceedings of the Judge on Circuit, the Futwah or Wuwusta of the law officers of that Court, and the Futwah or Wuwusta of those of the Sudder Fuojdaree Adalut, shall pass the final sentence.

The law officers to be required to state in writing their opinion of the Futwa or Wuwusta.

Court to pass sentence.

Third.—In any sitting of the Sudder Fuojdaree Adalut, held before three Judges, a difference of opinion shall be regulated by the majority; when two Judges sit, the senior shall have the casting voice, on a difference of opinion, provided he concur with the Judge on Circuit, before whom the trial under reference may have been held; but if the Senior Judge shall not concur, with respect to the conviction of the prisoner, sentence shall not be passed until another Judge of the Sudder Fuojdaree Adalut can sit with them upon the trial.

Provisions for the guidance of the Court on a difference of opinion among the Judges.

XLII. The Judges of the Sudder Fuojdaree Adalut on passing the final sentence, shall immediately issue their warrant to the proper Criminal Judge, to cause the sentence to be carried into execution. The Criminal Judge upon the receipt of the warrant, shall cause the sentence to be executed, without delay, and return the warrant to the Court of Sudder Fuojdaree Adalut, with an endorsement, attested with his official seal and signature, certifying the manner in which the sentence has been executed.

Judges to issue their warrant directing execution of the sentence so soon as passed.

Criminal Judge to cause the sentence to be executed immediately upon the receipt of the warrant.

Cases of Criminals, sentenced to death who may appear to be deserving of mercy, to be submitted for pardon to the Governor in Council.

XLIII. If any Criminal who may be sentenced to suffer death shall appear to the Sudder Fuojdaree Adalut to be a proper object for mercy, the Sudder Fuojdaree Adalut is authorized to suspend the execution of such sentence, and to submit the case with a corresponding recommendation to the Governor in Council, who may grant a pardon to him or her, or make such commutation of the punishment as may seem proper.

The Sudder Fuojdaree Adalut may recommend a pardon to accessaries in Crimes of a heinous nature, for the apprehension, or conviction of the principal offenders.

XLIV. In cases of a heinous nature, such as murder, gang robbery, arson, and the like, wherein the Crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if, on the representation of the Criminal Judge or Zilla Magistrate, or a Judge of Sudder Fuojdaree Adalut on Circuit, it shall appear to the Sudder Fuojdaree Adalut, that an offer of pardon, to one, or more of the supposed accessaries (on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime, and the several persons concerned in it), may lead to the apprehension or conviction of the principal offender or offenders, the Court is to submit the case to the Governor in Council, who, if he approve the same, will authorize such offer of pardon; and, on the condition of it being fulfilled, the Sudder Fuojdaree Adalut is to confirm it by a written certificate or testimonial, under the signature of it's Register, and the seal of the Court, to be delivered to the party, or parties for his, or their security, as far as regards the act, or acts therein referred to.

In what manner such pardon is to be granted.

The Judge on Circuit, and Criminal Judges, and Zilla Magistrates, to report cases in which a pardon for the above purpose should be offered.

XLV. The Fuisne Judge on Circuit, and the several Criminal Judges and Zilla Magistrates, are to report to the Sudder Fuojdaree Adalut whenever it may appear to them expedient to tender an offer of pardon, for the purpose stated in the foregoing section; communicating at the same time, all the information

tion they may possess respecting the circumstances of the case, as well as the measures taken to apprehend or convict the offenders, for whose apprehension or conviction, the proposed pardon may be recommended.

Transportation beyond sea confined to convicts sentenced to confinement for life. How to be adjudged.

XLVI. *First.* Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by a Court of jail delivery in the first instance, or finally by the Sudder Fuojdaree Adalut, the Court passing such sentence, if it deem the prisoner a proper object of transportation beyond sea, shall, at the same time, adjudge him or her to be transported for life.

Powers of the Courts in regard to convicts sentenced to confinement for life, but not considered proper objects of transportation beyond sea, as also in respect to convicts sentenced to a limited period.

Second.—In the cases of convicts sentenced to confinement for life, whom a Court of jail delivery, or the Sudder Fuojdaree Adalut, may not consider proper objects of transportation beyond sea, under the preceding clause; as well as in all cases of convicts sentenced to imprisonment for a limited period, the Court by whom the sentence is passed, if it deem the same proper, on consideration of the prisoner's offence, may adjudge him to be banished, during the period of his sentence, from the district in which his place of abode is situated; and to be kept to hard labour on the public roads, or other public works, in any other district to which he may be removed by order of the Sudder Fuojdaree Adalut.

Reports to be made by the Criminal Judges of convicts sentenced to be transported or banished under the two preceeding clauses.

Third.—The Criminal Judges of the several Zillas, at the close of the jail delivery of their respective districts, or at any other period when the same may be required by the Sudder Fuojdaree Adalut, shall transmit to that Court, a list of the convicts in their respective jails who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided, under each of the two preceding clauses; specifying in such lists the names, ages, crimes,

crimes, and sentences of the several convicts; and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Sudder Fuojdaree Adalut declared competent to order the removal of convicts under sentence of imprisonment to any jail or district within the Company's possessions.

Fourth.—The Sudder Fuojdaree Adalut is declared competent to order the removal of all convicts, under sentence of imprisonment, to any jail or district within the Company's possession, in which it may be thought proper to keep or employ them during the period of their respective sentences, altho' no specific sentence of banishment may have been passed against them under clause second of this section. But no such removal shall take place without the special order of the Sudder Fuojdaree Adalut.

Section IV. Regulation III. 1802 rescinded. Convicts escaped from jail, or otherwise during their sentences, & re-apprehended, to be brought to trial for such escape, or for any acts of violence attending the same.

XLVII. *First.*—Section IV. Regulation III. 1802, is hereby rescinded. Convicts sentenced to imprisonment by a Court of jail delivery, or by the Sudder Fuojdaree Adalut, who during the period of their sentences may escape from jail, or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before a Court of jail delivery for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable to such further punishment in addition to their former sentences as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

How punishable on conviction.

Convicts under sentence of transportation for life, who may be transported after the promulgation of this Regulation, and shall escape and return without permission to any part of the Company's Territory un-

Second.—Any convict under sentence of transportation for life, who may be transported to any place beyond sea, and shall escape from such place of transportation and return, without permission, to any part of the Company's territory under the presidency of Bombay, shall (notice of this penalty being duly made to the convict at the time of passing sentence on him),

on

on conviction thereof to the satisfaction of the Sudder Fuojdaree Adalut, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death.

der the presidency of Bombay declared liable, on conviction, to suffer death.

XLVIII. *First.*—In extention of the powers of punishment vested in the Criminal Judges by Section XLVII. Regulation III. 1818 and by Section VI. Regulation IX. 1819, it is hereby provided, in cases of conviction before a Criminal Judge of a criminal offence, for which the Criminal Judge may deem imprisonment for a period above two years and not exceeding seven years, with or without hard labour, an adequate punishment, the Criminal Judge shall pass sentence accordingly, but suspend execution of it until he shall have referred the case, together with copies of all papers belonging to, or connected with it, for the approval of the Sudder Fuojdaree Adalut, which reference he is required to make within fifteen days from the date of the sentence; and the order of the Sudder Fuojdaree Adalut confirming, mitigating, altering or annulling the sentence, shall be final.

Criminal Judges in certain cases empowered to pass sentence of imprisonment with or without labour for a term not exceeding seven years: but all cases, in which the sentence may award imprisonment for a period of more than two years, are to be referred for the approval of the Sudder Fuojdaree Adalut.

Sudder Fuojdaree Adalut empowered to confirm, mitigate, alter or annul such sentence.

Second.—The Criminal Judges are hereby impowered to pass and carry into execution sentences of imprisonment, with or without hard labour, for a term not exceeding two years, without making the reference required by the preceding clause; all such sentences being revisable under the provisions of Section LXIV. Regulation III. 1818. But the additional authority given by this section to Criminal Judges, is not extended to their Senior Assistants, unless when the latter may be officiating in the office of Criminal Judge by the special appointment of the Governor in Council; the powers of awarding punishment of Senior Assistants to Criminal Judges remaining as heretofore, and being no longer co-extensive with those of the Criminal Judges.

Criminal Judge to pass sentence of imprisonment if for any term below two years, without reference to the Sudder Fuojdaree Adalut; such sentences being nevertheless revisable under the Regulations.

Powers of the Senior Assistants to Criminal Judges not enlarged by these provisions, but to remain as heretofore.

XLIX. To obviate any misunderstanding and difficulty from the denominations of "Provincial Court of Circuit" and "Superior

Provision for determining the application of the denominati-

ons Provincial Court of Circuit" and "Superior Tribunal," in the existing Regulations.

perior Tribunal" continuing unaltered in many places of the General Regulations, as an entire change of the text, in this respect, would be attended with much inconvenience, it is hereby provided, that whenever reference is made in direct terms, or by inference, in any existing Regulation, to the former Provincial Court of Circuit or Superior Tribunal, this shall henceforth be held and taken to apply to the Sudder Fuojdaree Adalut only, in either its highest or subordinate capacity according as the matter referred to may relate to one or other of the former Courts.

A. D. 1820. REGULATION VIII.

A REGULATION *for rescinding Regulation XI.* 1812, *and for re-enacting its provisions for the guidance of the Courts of Justice, in cases of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Courts of Sudder Adaulut, and Sudder Foujdaree Adaulut.*—PASSED *by the Hon'ble the Governor in Council on the 29th of November* 1820, *corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet Era* 1877; *Salbahan* 1742; *and 22d of Suffer* 1236, *of the Hijree.*

Preamble.

WHEREAS the new constitution of the Court of Sudder Adaulut and abolition of the Provincial Court of Appeal, together with the junction of the duties of the former superior Tribunal and Court of Circuit, in the Court denominated the Sudder Foujdaree Adaulut, renders it necessary to rescind Regulation XI. 1812, in its present shape, but to re-enact its provisions under a form corresponding with the powers and functions of the said Courts, as now established, the Governor in Council has therefore passed the following Rules, to have effect from the 1st of January 1821.

II.

Regulation XI. 1812, rescinded.

II. Regulation XI. 1812 is hereby rescinded.

Reasons for the provisions enacted by this Regulation.

III. Whereas doubts may arise as to the duty of Zilla Judges, Criminal Judges, or Zilla Magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the Judges of the Sudder Adaulut or Sudder Foujdaree Adaulut; and it being of consequence, to prevent delay in the administration of Justice, that a clear rule of conduct should be established to provide for such cases, it is hereby enacted.

Zillah Judges, criminal Judges and Zillah Majestrates may state objections to precepts of the Sudder Adaulut or Sudder Fouzdaree Adaulut if considered contrary to or unwarranted by the Regulations, and suspend execution till receipt of a second preceipt.

IV. In all instances wherein a precept issued by the Courts of Sudder Adaulut or Sudder Foujdaree Adaulut to a Zillah Judge, or Criminal Judge or Zillah Magistrate, shall appear to such Judge or Magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the Court of Sudder Adaulut or Sudder Foujdaree Adaulut, in what respect he considers their precept to be in deviation from the Regulations; and suspend execution until the receipt of a second precept, in reply to his objections. But if the second precept of the Sudder Adaulut or Sudder Foujdaree Adaulut, in reply to the objections of the Zillah Judge, Criminal Judge, or Zillah Magistrate shall confirm their first precept, in whole or in part, and shall require the Zillah Judge, Criminal Judge, or Zillah Magistrate to execute the same, without further reference, he shall immediately comply with such requisition. In case however the second precept of the Sudder Adaulut, or Sudder Foujdaree Adaulut shall not satisfy the Zillah, or Criminal Judge or Magistrate that the Regulations have been rightly construed, he is at liberty, at the same time that he certifies the execution of the order of the Sudder Adaulut or Sudder Foujdaree Adaulut, to request that the Judges will transmit copies of their precepts to him, and of his returns thereto, with such other papers as may be necessary for the

To comply with a second preecpt but if still of opinion the precept is unwarranted may request that the case to be laid before the Governor in Council.

information

information of the circumstances of the case, to the Governor in Council; and the Sudder Adaulut shall accordingly transmit such papers, as requested, without any unnecessary delay: provided nevertheless, that nothing in this Regulation be understood to authorize any Zillah Judge, Criminal Judge, or Zillah Magistrate to question the propriety of any order issued by the Sudder Adaulut or Sudder Foujdaree Adaulut, in cases clearly left to the discretion and judgment of these Courts by the Regulations; the reference to them, meant to be authorized by this Regulation, being confined tocases in which the sense of the Regulations, from a difference of construction, or otherwise, may appear doubtful and uncertain.

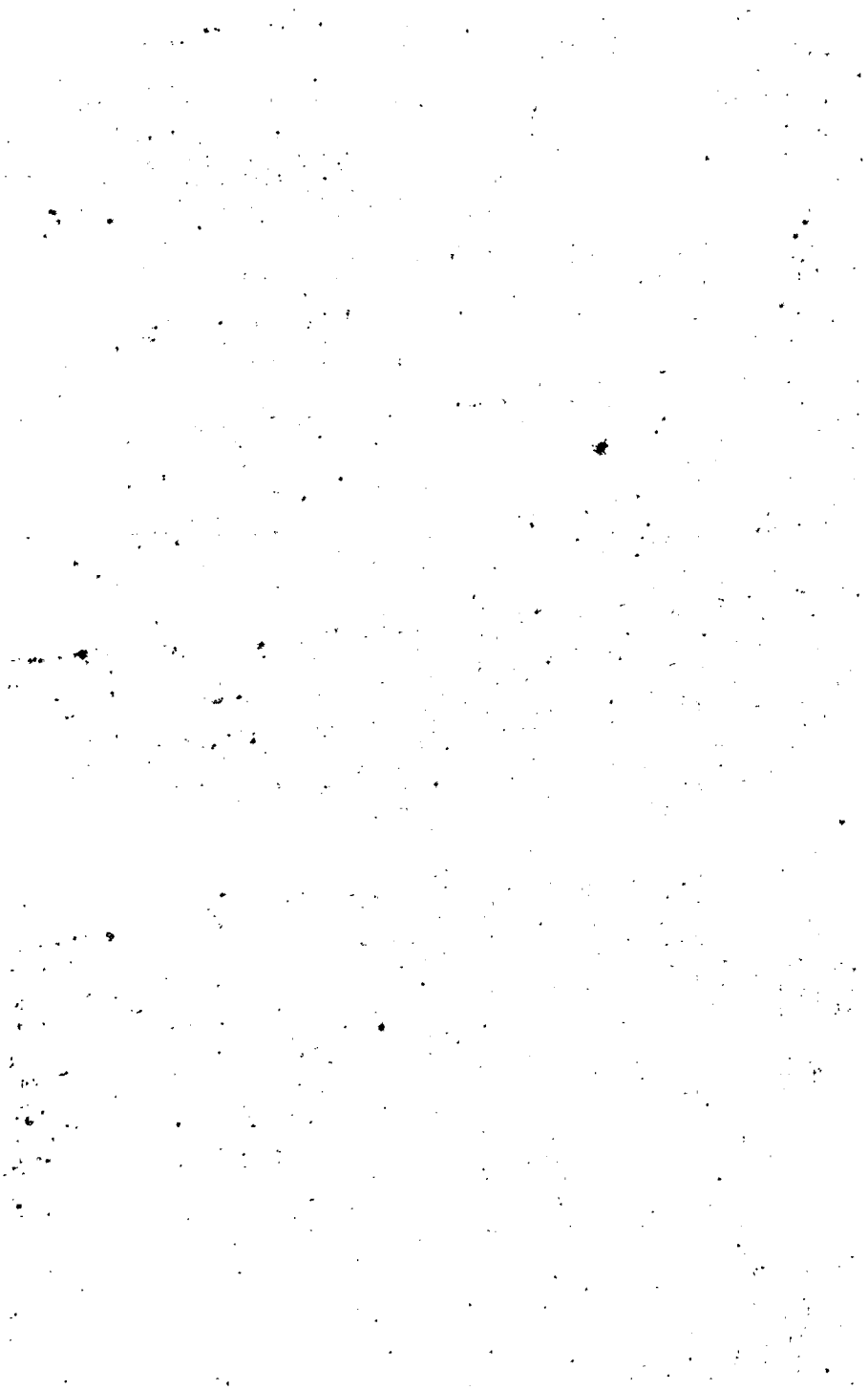
Proviso.

V. In all references made under the preceding rule, the determination and order thereon of the Governor in Council is to be held final and conclusive by the Sudder Adaulut, Foujdaree Adaulut, Zillah and Criminal Judges, and Magistrates.

Determination of the Governor in Council to be conclusive.

VI. Should any doubt occur to the Sudder Adaulut or Sudder Fuojdaree Adaulut with respect to the meaning of any part of the Regulations, or should it appear to them on occasion of any reference under the preceding rule, that the Regulations do not sufficiently provide for the case before them, they are, in the former case, to report the circumstances of it to the Governor in Council, that a new Regulation may be framed, in explanation of such doubt; and, in the latter case, are to propose a new Regulation.

Sudder Adalut or Sudder Fuozdaree Adaulut to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations.



TITLES OF THE REGULATIONS

PASSED IN THE YEAR 1820.

REGULATION

I.

A REGULATION *for declaring the power of the Governor in Council to provide for the immediate punishment of certain offences against the state by the sentence of Courts Martial.—Passed on the 16th February* 1820.

II.

A REGULATION *for explaining Regulation I. A. D.* 1818 *entitled a Regulation for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay and into any port or place whatsoever within the authority of the Governor in Council of Bombay, or within the limits of the territories dependent on the Presidency of Bombay.—Passed on the 10th of May* 1820.

III.

A REGULATION *for annexing to the Zillah of South Concan certain villages on the sea coast in Paut and Ajgaon turufs of the Sawunt waree district, formerly composing part of the Territories of the Sawunt waree state and ceded to the Hon'ble East India Company, and for fixing the Sudder station of that Zillah.—Passed on the 1[illegible]th May* 1820.

IV.

A REGULATION *for withdrawing from the Jurisdiction of the Regulations of Government the Talooka belonging to the Chieftain of Balaseenor and Veerpoor.—Passed on the 2d of August* 1820.

V.

V.

A REGULATION *for abolishing the Provincial Court of Appeal and adapting the Powers &c. of the Sudder Adawlut to the change; and for removing the latter Court from Bombay to the City of Surat.—Passed on the 29th November* 1820.

VI.

A REGULATION *for abolishing the situation of Assistant Judge and for making certain modifications in the constitution and jurisdiction of Zillah Courts.—Passed on the 29th November* 1820.

VII.

A REGULATION *for uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal in a Court to be styled the Sudder Foujdaree Adawlut; to fix the seat of this Court at Surat; and to provide for the appointment of the Judges, and also for prescribing the duties of the Court and extending the powers of the Criminal Judges.—Passed on the 29th November* 1820.

VIII.

A REGULATION *for rescinding Regulation IX.* 1812; *and for re-enacting its provisions for the guidance of the Courts of justice, in case of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Court of Sudder Adawlut and Sudder Foujdaree Adawlut.—Passed on the 29th November* 1820.

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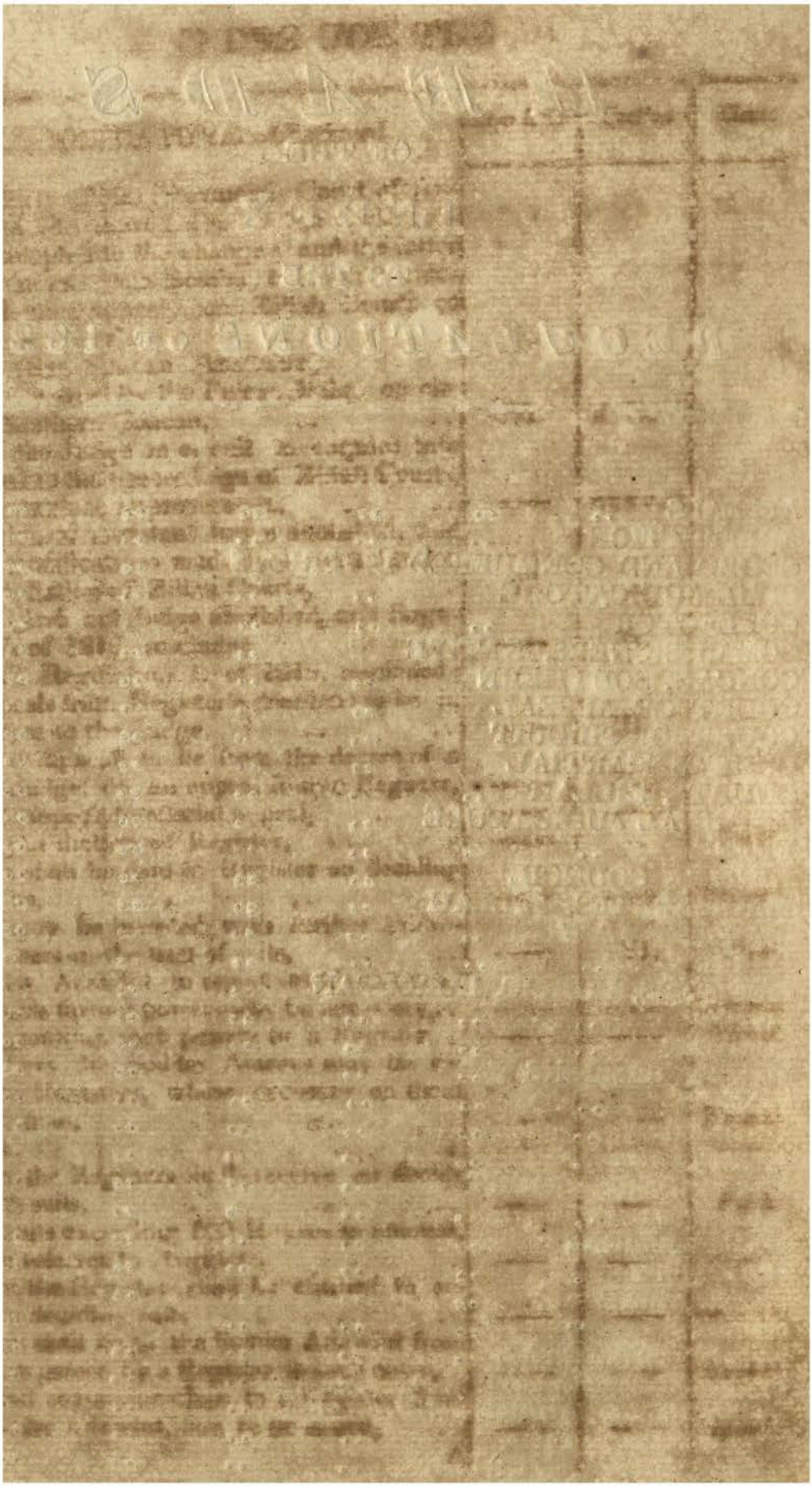

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For rules of guidance as connected with the Sudder Adawlut under the abolition of the Court of Appeal, and in regard to Appeals from their decrees, and the powers of the Sudder Adawlut over the Zillah Judges (See Sudder Adawlut and Civil Judicature).			
The office of Assistant Judge abolished, ..	VI.	II.	
Additional Registers may be appointed to any Court, ...	——	VIII.	*First.*
To be also additional Senior Assistants to Criminal Judge, ...	——	——	*Second.*
Surat Judge may refer original suits to the Register of the Sudder Adawlut, ...	——	IX.	
Native Law Officers of—to officiate as the Law Officers to the Judge of Circuit, ...	VII.	XIV.	
Powers granted to the Judge on Circuit to inquire into and regulate the proceedings of the Zillah Courts, ...	——	XXXVIII.	
And to introduce improvements, ..	——	——	
Provisions			

COURTS, ZILLAH—*Continued.*	*Regulation*	*Section*	*Clause*
Provisions for their guidance, on a difference of opinion arising between the Judge on Circuit and the local authorities on the meaning and construction of any Regulation referred to by the former, ...	VII.	XXXIX.	
Powers of Criminal Judges extended (See Criminal Judicature).			
CRIMINAL JUDICATURE.			
The powers of the ordinary courts may be suspended in time of war or rebellion, and martial Law established (See Courts Martial).			
Enforcement of penalties for smuggling Opium (See Opium).			
Date from which Criminal Courts shall take cognizance in Southern Concan, ...	III.	V.	
The Talooks of Balasinore & Veerpoor withdrawn from that of the Hon'ble Company's Courts (See Tributary Chieftains).			
The powers of the Superior Tribunal and of the Court of Circuit, united in a court styled the Sudder Fuojdaree Adawlut, and defined; the seat of that court fixed at Surat. Rules for guidance of the said court, and of the Judges on circuit; and rules of evidence. The punishment for certain crimes, fixed, &c. (See Sudder Fuojdaree Adawlut).			
Criminal Judges in certain cases empowered to pass sentence of imprisonment, with or without labour, for seven years: but all sentences of imprisonment for more than two years, are to be referred for the approval of the Sudder Fuojdaree Adawlut, ...	VII.	XLVIII.	*First.*
S. F. Adawlut empowered to confirm, mitigate, alter or annul such sentence, ...	——	——	——
Criminal Judge to pass sentence of imprisonment, if for any term below two years, without reference to the S. F. Adawlut; such sentences being nevertheless revisable under the Regulations, ...	——	——	——
Powers of the Senior Assistants to Criminal Judges not enlarged by these provisions, but to remain as heretofore, ...	——	——	*Second.*

Criminal

CRIMINAL JUDICATURE—*Continued.*	*Regulation*	*Section*	*Clause*
Criminal Judges and Zillah Magistrates may state objections to precepts of the S. F. Adawlut, if considered contrary to, or unwarranted by the Regulations, and suspend execution till receipt of a second precept, ..	VIII.	IV.	
To comply with a second precept, but if still of opinion the precept is unwarranted, may request that the case be laid before the Governor in Council, ...	——	——	
Proviso, ...	——	——	
Determination of the Governor in Council to be conclusive, ...	——	V.	
S. F. Adawlut to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations, ..	——	VI.	
D.			
E.			
F.			
FEES.			
Of Registers (See Civil Judicature).			
G.			
H.			
I.			
J.			
K.			
KING IN COUNCIL.			
Appeal to, from the decision of the Sudder Adawlut, ... Appeal	V.	XXXIII.	

KING IN COUNCIL—*Continued.*	*Regulation*	*Section*	*Clause*
Appeal to, from the decision of Puisne Judge on Circuit in Southern Concan, ...	VII.	XXXVII.	
L.			
M.			
MAGISTRATES, ZILLAH.			
Enforcement of penalties for smuggling Opium (See Opium).			
Powers of the Sudder Fuojdaree Adawlut over them, ...	——	X.	
MARTIAL LAW.			
May be declared in time of war or rebellion (See Courts Martial).			
N.			
O.			
OATHS.			
Prescribed for the Judges of the Sudder Adawlut, ...	V.	V.	
Prescribed for the Register of the Sudder Adawlut, ...	——	VI.	
Prescribed for the Native Law Officers of the Sudder Adawlut, ...	——	VII.	
Prescribed for Surishtadar and Deputies and other Officers of the Sudder Adawlut, ..	——	VIII.	
May be dispensed with from witnesses in certain cases, ...	——	XIX.	*First.*
Prescribed for Judges of Sudder Fuojdaree Adawlut, ...	VII.	VI.	
By Register and Assistant Register of the Sudder Fuojdaree Adawlut, ...	——	VII.	
And by Native Officers of the Sudder Fuojdaree Adawlut, ...	——	VIII.	
OFFICERS,			

OFFICERS, PUBLIC, EUROPEAN.	Regulation	Section	Clause
The Sudder Fuojdaree Adawlut, how to proceed against them when guilty of neglect of duty or other misconduct, ...	VII.	X.	*Second.*
OPIUM.			
Explaining Regulation I. A. D. 1818, ..	II.		
Regulation I. of 1818 in force in Bombay and in all places within the authority of the Government of Bombay, ...	——	II.	
All Opium imported therein contrary to this Regulation and I. 1818, shall be deemed smuggled, and forfeited to the East India Company,	——	III.	
Together with the packages containing, or vessels or animals conveying, the same, ..	——	——	
Officers of the customs and others authorized to seize, ...	——	——	
And secure the same in Government Warehouses next to the place of seizure, ...	——	——	
Till the claimer make proof of the legal transit of the Opium: if in Bombay, before the Petty Sessions, ...	——	——	
If in any subordinate district, before the Magistrate of such district, ...	——	——	
Within ten days after the seizure, ...	——	——	
On failure, the Opium with the packages containing, and vessels or animals conveying it, shall be forfeited, one third to the informer and two thirds to the Company, ...	——	——	
On information of smuggled Opium being in any place, given on oath to any Collector of Customs, or Collector, or Magistrate, ...	——	IV.	*First.*
Such Collector, or Magistrate, is to issue his Warrant for the search of the places pointed out, and seizure of the Opium with the packages and vessels containing it, ...	——	——	——
And the same shall be lodged in a Government Warehouse next the place of seizure until the claimer make proof of the legal import of the Opium: if in Bombay, before the Petty Sessions; if in any subordinate district, before the Magistrate of such district; within ten days after the seizure, ...	——	——	——
On			

OPIUM—*Continued.*	*Regulation*	*Section*	*Clause*
On failure, the Opium with it's package or chest, and all contents of such package, shall be forfeited, one third to the informer and two thirds to the Company, ...	II.	IV.	*First.*
Any person knowingly keeping, or concealing, smuggled Opium, shall forfeit the Opium and double the value of it, and double the amount of the established duties upon it, ...	——	——	*Second.*
Seizures of Opium to be prosecuted, if not exceeding one maund, or including packages &c. Rupees 500, in a summary way, and determined, if in Bombay, before the Petty Sessions, ...	——	V.	——
If in any subordinate district, before the Magistrate of such district, ...	——	——	*First.*
And which Court of Petty Sessions, or Magistrate, is empowered to summon the party from whom the seizure was made, at a time and place prefixed, ...	——	——	——
And to examine and proceed to condemn such Opium as may be found to be forfeited, with the packages containing, or vessels, or animals, by which it was conveyed, ...	——	——	——
And to issue warrant for the sale thereof, ..	——	——	——
If exceeding one maund, or the packages the value of Rupees 500, the seizure made in Bombay, to be prosecuted in the Court of Recorder, ...	——	——	*Second.*
If in any subordinate districts, in the Court of Adawlut of such district, ...	——	——	——

P.

PARDON.

Criminals sentenced to death, but deserving of mercy, to be submitted to the Governor in Council for pardon, ...	VII.	XLIII.	
Pardon may be granted to accessaries on condition of making a full disclosure, ...	——	XLIV.	

PETTY SESSIONS.

Enforcement of penalties for smuggling Opium (See Opium).

POLICE.

POLICE.	Regulation	Section	Clause
Powers of the Sudder Fuojdaree Adawlut in matters of, ...	VII.	X.	
PROPERTY.			
Any private transfer or mortgage of land, or other real property, during appeal, declared null and void, in the event of the judgment against such property being confirmed on the appeal,	V.	XV.	*Eleventh*
Q.			
R.			
REBELLION.			
Acts of, when punishable by martial Law (See Courts Martial).			
RECORDER'S COURT.			
Enforcement of penalties for smuggling Opium (See Opium).			
REGISTER.			
Of the Sudder Adawlut, his duties (See Sudder Adawlut).			
Register may try original suits referred to him by the Surat Judge, ...	VI.	IX.	
Of Zillah Courts, their jurisdiction extended and fees allowed in consequence (See Civil Judicature).			
Empowered to try appeals from other Registers,	——	VI.	*Tenth.*
Additional Registers may be appointed to any Zillah Court, ...	——	VIII.	*First*
REGULATIONS.			
Regulation III. 1814, its operation limited, ..	III.	IV.	
Regulation XIV. 1815, Section XIII., its operation limited, ...	——	——	
Regulation II. 1805 Section III., rescinded, ..	V.	II.	
Regulation VI. 1812, rescinded, ...	——	——	
Regulations,			

REGULATIONS—*Continued.*	*Regulation*	*Section*	*Clause*
Regulations, all relating to the Court of Appeal rescinded, ...	V.	II.	
Regulation VII. 1800, rescinded, ...	——	III.	
Regulation VII. 1812, rescinded, ...	——	——	
Regulation V. 1815, rescinded, ...	VI.	II.	
Regulation I 1802 Section VI., rescinded, ..	——	III.	
Regulation III. 1800, rescinded, ...	VII.	II.	
Regulations VIII. and IX. 1812, rescinded, .	——	——	
Regulation III. 1802 Section IV., rescinded,..	——	XLVII.	
Regulation XI. 1812, rescinded, ...	VIII.	II.	

S.

SECURITY.

To be given in Appeals from decrees of Zillah Courts to the Sudder Adawlut, and rules regarding the same
(See Sudder Adawlut).

SMUGGLING.

Provisions to check the trade in Opuim, and penalties to enforce them
(See Opuim).

STAMPS.

For rules prescribing the description of stampt paper on which appeals to the Sudder Adawlut are to be preferred
(See Sudder Adawlut).

STATE CRIMINALS.

The powers of Government to provide for their immediate punishment by Court Martial in time of war or rebellion, declared
(See Courts Martial).

SUDDER ADAWLUT.

Not to consist of the Governor in Council: to be removed from Bombay to the city of Surat; and the Provincial Court of appeal abolished, .. V. I.

Provincial

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Claus*
Provincial Court of appeal abolished, and all Regulations relative thereto rescinded, ...	V.	II.	
Regulations rescinded, in order to adapt the Sudder Adawlut to the change, ...	——	III.	
Sudder Adawlut transferred to Surat, and to consist of four Judges, covenanted Servants of the Company, ...	——	IV.	
Their denomination, ...			
An oath prescribed, to be taken by the several Judges, ...	——	V.	
The oath, ...	——	——	
Register and Assistant Register to be appointed; oath to be taken by them, ...	——	VI.	
Law officers to be appointed: oath to be taken by them, ...	——	VII.	
Surishtadar and deputies to be appointed: oath to be taken by them and other officers, ..	——	VIII.	
Jurisdiction of the Court, ...	——	IX.	
Court to be held three days in each week, or oftener if necessary: decrees, orders &c. to be made on Court days, and in open Court, ..	——	X.	
Seal of the Court, ...	——	XI.	
The Court not to correspond with parties in suits, or any persons respecting matters before the Court, or cognizable by it, . ..	——	XII.	
Cases in which the Court is empowered to refer original suits to Zillah Courts to be tried and determined, ...	——	XIII.	*First.*
Suits or complaints to be dismissed if the party preferring them shall neglect, or refuse to proceed for six weeks, ...			
Judge to notify the dismission of the suit, to the Sudder Adawlut, ...			
Cases in which the Sudder Adawlut may receive petitions respecting suits or matters depending, or which may have been decided in any Zillah Court, ...	——	——	*Second.*
Court, how to proceed with such petition, ..	——	——	——
The Court is to be guided by the rules prescribed to Zillah Courts, ...	——	XIV.	
Exceptions, ...	——	——	
From what decrees of the Zillah Courts, a regular Appeal is to lie to the Sudder Adawlut,	——	XV.	*First.*

Petition

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Petition of Appeal, how to be presented, ..	V.	XV.	*Second.*
To be written on stampt Paper, ..	——	——	——
And accompanied with security for costs, ..	——	——	——
How to be admitted, ...	——	——	——
What the petition is to contain, ...	——	——	*Third.*
It is optional to insert or not the specific objections to the judgment of the lower Court, ..	——	——	——
Should it not do so, the same may be inserted in a separate pleading, in the Sudder Adawlut,..	——	——	——
Period limited for preferring Appeals, ..	——	——	*Fourth.*
Cases in which appeals may be admitted after the limited time, ...	——	——	——
Reasons for so doing to be recorded, ...	——	——	——
Parties requiring copy of a decree, to furnish the requisite stampt Paper, ...	——	——	*Fifth.*
Court, how to proceed when such stamp may be furnished, ...	——	——	*Sixth.*
Provisions of the two preceding clauses are applicable to copies of decrees or orders from which a party may desire to prefer a special or summary Appeal, ...	——	——	*Seventh.*
Parties desirous of appealing, to deliver security for costs that may be awarded on the appeal,	——	——	*Eighth.*
Presenting a Petition of appeal without the required security before the expiration of the time limited for appealing, declared not to preserve the right to appeal, ...	——	——	——
When appellant shall have entered into the security, the Zillah Judge is to make the endorsment hereafter required, ...	——	——	*Ninth.*
And transmit it to the Sudder Adawlut, and notify to the appellant that if he shall not proceed in the appeal in six weeks from the date of filing of Petition, it will be dismissed, .	——	——	——
Execution of decrees appealed from, to be suspended during the appeal, ...	——	——	*Tenth.*
Any private transfer or mortgage of land, or other real property, during appeals, declared null & void, in the event of the judgment against such property being confirmed on the appeal, ..	——	——	*Eleventh.*
When the appellant does not comply with the rules of appeal, decree to be executed, ..	——	——	*Twelfth.*
Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities, ...	——	——	*Thirteenth.*

The

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
The Collector to hold the adjudged property in attachment in such cases, .. .	V.	XV.	*Thirteenth.*
Sudder Adawlut may, in particular cases, require further security, during appeals, if, on application of the parties, the security taken appear insufficient, ...	——	——	*Fourteenth.*
In default of such further security being given by appellants, the judgment to be executed,	——	——	——
Provided the prescribed security be given by the respondent, ...	——	——	——
Records including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adawlut in fifteen days after the receipt of the Appeal, ...	——	XVI.	
Copies of all original papers transmitted, attested by the Surishtadar, to be deposited amongst the records of the Court, ...	——	——	
Copies to be deemed records, and be received in evidence, ...	——	——	
Copies of original papers to be sent to the Sudder Adawlut, when originals are not forth-coming, ...	——	——	
Recorded copies of original papers not forthcoming, to be deemed originals, and copies of them to be forwarded and certified, ...	——	XVII.	*First.*
Previous notice to be given by the Court of the day on which a suit is to be brought to a hearing, ...	——	——	——
A notification of the day duly affixed in Court, shall be sufficient notice, ...	——	——	*Second.*
The Court empowered to fine parties unprepared to file exhibits, or name witnesses on the day notified for the hearing of the suits, ..	——	——	*Third.*
Further penalty on repetition of similar neglect,	——	——	——
Pleadings to be read before the exhibits are filed, or witnesses summoned, ...	——	XVIII.	*First.*
Exception, ...	——	——	——
Court is to require any necessary explanations of the case from parties or their pleaders, ..	——	——	*Second.*
The Court is to record the points necessary to be established by the parties, ...	——	——	*Third.*
And any additional points which may subsequently appear necessary, ...	——	——	*Fourth.*
No evidence to be admitted except with regard to the points so recorded, ...	——	——	

Cases

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Cases in which the Sudder Adawlut is empowered to take new evidence, or refer suits back to the Zillah Court, ...	V.	XVIII.	*Fifth.*
The Court to record it's reasons whenever the above powers are exercised. The Court is empowered to take evidence, or to order the Register so to do, ...	——	——	——
Evidence of witnesses which may be required in certain cases by the Court, to be taken by Zillah Judges on written interrogatories. ..	——	——	*Sixth.*
The Court may empower a Judge of the Sudder Fuojdaree Adawlut proceeding on Circuit to take evidence in certain cases, ...	——	——	*Seventh.*
Court may dispense with the Oaths of witnesses in certain cases, ...	——	XIX.	*First.*
And also direct their evidence to be taken by Commission, ...	——	——	*Second.*
Sudder Adawlut, how to proceed when witnesses do not attend, refuse to be sworn or give their depositions, are guilty of contempt of Court, or perjury, ...	——	——	——
All process of the Court (with certain exceptions) to be issued to the Zillah Judges, ...	——	XX.	*First.*
Judges of Zillah Courts liable to be suspended by the Sudder Adawlut for refusing or omitting to obey, or to conform to it's process or requisition, ...	——	——	——
Sudder Adawlut to report to the Governor in Council the suspension of Judges under this Section within ten days, ...	——	——	——
The Court may issue process to parties or witnesses through any other channel than the Zillah Courts, ...	——	——	——
Process of the Sudder Adawlut, how to be served by the lower Court, ...	——	——	*Second.*
To return the process executed, or reasons why it has not been executed, ...	——	——	——
Form and manner in which the return is to be made, ...	——	——	——
Zillah Judge to cause a copy of the process and return to be deposited amongst the records of the Court, ...	——	——	——
Courts how to proceed when process cannot be served upon the party, in consequence of his absconding or avoiding it, ...	——	——	——

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Zillah Judge to fix up a writing in the Court room and at the place of residence of the party,	V.	XX.	*Second.*
What the writing is to contain, ...	——	——	——
Sudder Adawlut to proceed ex-parte, when a lower Court shall report that a party has absconded, or was not to be found, after the observance of the forms directed, ...	——	——	*Third.*
Court to dismiss appeals, if appellant omit to proceed in them within six weeks without showing cause for omission, ...	——	——	
Reasons for the dismission of the appeal to be recorded, ...	——	XXI.	
No person to be heard in a cause except principals, wukeels duly empowered, or witnesses, ...	——	XXII.	
Petitions of appeal from decisions founded on award of arbitration, to be dismissed with costs,	——	XXIII.	
Proceedings of the Sudder Adawlut, how to be numbered, marked, dated, and signed, ..	——	XXIV.	*First.*
Decrees to be signed by the Judges and attested by the Register, and copies to be delivered to the parties, ...	——	——	——
Proceedings, summonses and process of the Court, to be written or printed in the language of the Zillah from which the cause was appealed,..	——	——	*Second*
All orders and decrees to be written in English, with translations into the language of the Zillah from whence the appeal is received, ..	——	——	*Third.*
What decisions the Court may pass in appeals,..	——	XXV.	
Interest allowed on the amount of decrees confirmed on appeal, and litigious appeals punishable by fine, ...	——	XXVI.	
Sudder Adawlut, how to proceed against persons who shall resist it's process, ...	——	XXVII.	
Offender to be summoned to answer for his misconduct, ...	——	——	
Court, how to proceed if the offender shall not obey the summons, ...	——	——	
Decree to be passed if the offender shall not appear; or shall appear and prove guilty of the charge, ...	——	——	
How the Court is to enforce payment of the fine,			
Single Judges empowered to hold sittings of the Court, ...	——	——	
Rules to be observed in passing orders and decrees,	——	XXVIII.	*First.*

Rules

SUDDER ADAWLUT– *Continued.*	*Regulation*	*Section*	*Clause*
Rules to be observed on differences of opinion between two Judges, ...	V.	XXVIII.	*Second.*
Provision in case of a difference of opinion when four Judges are present, and the number of votes equal, ...	——	——	*Third.*
Judges to regulate their own sittings, and Chief or Senior Judge to call extra meetings through the Register, ...	——	——	*Fourth.*
Special Appeals from the decisions of Zillah Judges, shall lie to the Sudder Adawlut, under certain restrictions, ...	——	XXIX.	*First.*
Party to present a petition to the Sudder Adawlut, ...	——	——	*Second.*
Petition to be written on stampt paper. ..	——	——	*Third.*
What it is to contain, ...	——	——	——
Mode of proceeding when a special appeal may be admitted, ...	——	——	*Fourth.*
Court authorized to refund a portion of the stamp duties in certain cases, when the petition for a special appeal may be rejected, ..	——	——	*Fifth.*
All orders passed by the Court regarding special appeals to be final, ...	——	——	*Sixth.*
Pleaders entitled to receive fees on the rejection of special appeals, ...	——	——	*Seventh.*
Proviso, ...	——	——	——
Zillah Judges may certify to the Court, cases, which may appear to be fit objects for a special appeal, ...	——	——	*Eighth.*
Cases in which the Sudder Adawlut may admit a summary appeal, ...	——	XXX.	*First.*
Limitation of time for the admission of summary appeals, ...	——	——	*Second.*
On what description of stampt paper the petition for a summary appeal is to be written, ...	——	——	*Third.*
Party not to be liable to pay the institution fee, nor to furnish any deposit or security, ...	——	——	*Fourth.*
Exception, ...	——	——	——
Mode of proceeding in summary appeals, ...	——	——	*Fifth.*
In what cases the lower Court may be directed to receive, or review the suit, ...	——	——	*Sixth.*
In what cases the Court may reject the summary appeal, and fine the appellant, ...	——	——	*Seventh.*
Proviso, ...	——	——	——
Provisions for pleaders' fees in such cases, ..	——	——	*Eighth.*
Proviso, ...	——	——	——

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred, ..	V.	XXXI.	*First.*
Provisions empowering the Sudder Adawlut to grant a review, ...	——	——	*Second.*
The orders rejecting applications for a review, not to bar the right of a party to prefer a regular appeal, ...	——	——	*Third.*
Court, how to act in cases for which no rule may exist, ...	——	XXXII.	
Appeal to His Majesty in Council, ...	——	XXXIII.	
Rules for the guidance of the Sudder Adawlut in cases of negligence or misconduct in any of the Judges or Officers of the Civil Court, ..	——	XXXIV.	
In certain cases, Court directed to report to the Governor in Council, ...	——	——	
Error of judgment, or slight default, how to be corrected, ...	——	——	
Former powers of the Sudder Adawlut to continue, ...	——	XXXV.	
Regulations referring to the Court of Appeal, to apply to the Sudder Adawlut where necessary, ...	——	——	
Causes how to be distinguished in the monthly register, ...	——	XXXVI.	
Register to submit to the Court a monthly report of the abstract registers of the several Zillah Courts, ...	——	XXXVII.	
Report to be submitted by the Register on half yearly reports of the Zillah Courts of causes remaining undecided, ...	——	XXXVIII.	
To notice what abstract Registers or reports have not been transmitted, .. .	——	XXXIX.	
Rules for facilitating the preparing of the Register's reports, ...	——	XL.	*First.*
An abstract of the number of causes determined, to be inserted by Zillah Judges at the bottom of monthly Registers, ...	——	——	*Second.*
Also to insert at the bottom of half yearly reports of causes undecided, the number depending,..	——	——	*Third.*
To report to Government when the extension of additional powers to Registers may be necessary, ...	VI.	VI.	*Second.*
To receive appeals from their decision in such cases, ...	——	——	*Eighth.*

Process

SUDDER ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Process and communications to a Register from the Sudder Adawlut, how to be issued, ..	VI.	VI.	*Ninth.*
Their Register may try original suits referred to him by the Judge of the Surat Court, ..	——	IX.	
Appeals from the Southern Concan which have been admitted by the Sudder Adawlut may be tried by the Puisne Judge on circuit, ..	VII.	XXXV.	
Authority for the Judge's proceeding, and how his acts are to be regulated, ...	——	XXXVI.	
If the decree affirm the decision of the lower Court, a further appeal to the King in Council only to be allowed, ...	——	XXXVII.	
How to proceed where the Zillah Judge objects to the legality of a precept, ...	VIII.	IV.	
To report to Government their doubts of the meaning of Regulations, ...	——	VI.	
SUDDER FUOJDAREE ADAWLUT.			
The Sudder Adawlut may empower the Judge proceeding on circuit, to take evidence in certain cases, ...	V.	XVIII.	*Seventh.*
The establishment of the Court at Surat, in which is united the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, ...	VII.	I.	
Regulations III. 1800, and VIII., and IX. 1812, rescinded, ...	——	II.	
Denominations of "Provincial Court of Circuit" and "Superior Tribunal" abolished; powers, functions and duties of these Courts united in the Sudder Fuojdaree Adawlut, ...	——	III.	
Surat the seat of the Sudder Fuojdaree Adawlut; Seal of the Court, ...	——	IV.	
The Court to consist of four Judges, ..	——	V.	
Oath to be taken by the Judges, ...	——	VI.	
Register and Assistant Register to the Sudder Adawlut to be Register and Assistant Register to the Sudder Fuojdaree Adawlut, ...	——	VII.	
Oath to be taken by those Officers, ...	——	——	
Law Officers and Ministerial Officers of the Sudder Adawlut, to be the law Officers and ministerial Officers of the Sudder Fuojdaree Adawlut, ...	——	VIII.	
Declaration to be made by them, ...	——	——	

Court

SUDDER FUOJDAREE ADAWLUT—*Continued.*	*Regulation*	*Section*	*Clause*
Court to meet as often as may be necessary, ..	VII.	IX.	
Court to have cognizance of all matters relating to the administration of Criminal Justice and the Police, and to call for proceedings of Criminal Judges or Zillah Magistrates, ..	——	X.	*First.*
Powers vested in the Sudder Fuojdaree Adawlut, in cases of disobedience or neglect, or false return to any process, rule, or order by a Criminal Judge or Zillah Magistrate; and how to proceed, ...	——	——	*Second.*
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A. D. 1821. REGULATION I.

A REGULATION *to explain Regulation V. of* 1820, *and to empower the Court of Sudder Adawlut constituted by such last mentioned Regulation, to hear and determine Appeals from judgments or determinations by the late Court of Appeal, which had been preferred to, or were pending in the former Court of Sudder Adawlut at the time of passing the said enactment*—PASSED *by the Governor in Council on the 2d May* 1821, *corresponding with the 1st of Vysack Sood Sumbut or Vikramajit Era* 1877; *Salbahan* 1743; *and 29th of Rujub* 1236 *of the Hijree.*

Preamble.

WHEREAS by Regulation V. 1820 passed by the Honorable the Governor in Council on the 20th November 1820, entitled "a Regulation for abolishing the provincial Court of Appeal and adapting the powers &c. of the Sudder Adawlut to the change, and for removing the latter Court from Bombay to the City of Surat," the Provincial Court of Appeal instituted by Section III. Regulation II, 1805, was abolished, and such section was rescinded together with Regulation VI. 1812, and all such parts of the Regulations in force

as

as relate to that Court, and Regulations VII. of 1800 and VII. of 1812, were also rescinded, for the purpose of adapting the powers of the Sudder Adawlut to the change occasioned by the abolition of the said Provincial Court: and WHEREAS at the time of passing the said Regulation V. 1820, certain appeals from the judgments and determinations of the said Provincial Court had been preferred to the Court of Sudder Adawlut or were pending therein, and certain suits were then also depending in the said Provincial Court, in which any parties who might be aggrieved by the judgment or determination of the said Provincial Court had a right by the said rescinded Regulations VII. 1800 and VII. 1812 whilst the same continued in force, to appeal from such judgment or determination to the Sudder Adawlut: and WHEREAS doubts have arisen whether it was competent for the Court of Sudder Adawlut as constituted under Regulation V. 1820, to hear and determine the said appeals then preferred to or pending in the Court, or which might be preferred to it, in suits then pending in the said Provincial Court; and whether the enactments of the said last mentioned Regulation sufficiently provide for the said Court of Sudder Adawlut proceeding in such appeals: and WHEREAS it is expedient that such doubts should be removed and that it should be declared to have been the original intention of the Hon'ble the Governor in council to confer such authority on the said Court—the following enactment has been passed.

The Sudder Adawlut empowered to try appeals from the late Provincial Court.

II. The Sudder Adawlut as constituted under the said Regulation V. 1820 have, and shall have power and authority to hear and determine all appeals from any judgments or determinations of the said Provincial Court which had been preferred to or were pending in the former Court of Sudder Adawlut at the

the time of passing the said Regulation V. 1820; or which might have been preferred to it in any suit or suits then pending in the said Provincial Court, and the same shall be heard and determined by the Court of Sudder Adawlut as constituted under the said Regulation V. 1820, in as full and ample a manner as the Court of Sudder Adawlut might have heard and determined the same before the passing the said Regulation V. 1820, save and except as the proceedings in such appeals may have been modified by the enactments and provisions contained in such last mentioned Regulation.

Regulations for the proper conducting of such appeals revived.

III. Regulation II. 1805, Regulation VI. 1812, Regulation VII. 1800, Regulation VII. 1812 and all other Regulations relating to the Provincial Court which have been rescinded by the said Regulation V. 1820, are hereby revived as to all such parts and clauses of the said rescinded Regulations as contain any rules, provisions or powers necessary or requisite for the proceeding in the said Appeals and for the due hearing and determination thereof by the said newly constituted Court of Sudder Adawlut, and shall continue in force and endure until all such appeals shall be brought to a conclusion by the newly constituted Court of Sudder Adawlut, and no longer; subject nevertheless to such alterations and modifications respecting proceedings in appeals as have been made by the said Regulation V. 1820.

A. D. 1821. REGULATION II.

A REGULATION *for amending Regulation X. of* 1813 *for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay:—* PASSED *by the Hon'ble the Governor in Council on the 23d May* 1821, *corresponding with the 6th Vysaik Vud, Sumbut or Vikramajit Era* 1877; *Salbahan* 1743; *and 20th Shaban* 1236 *of the Hejree,*

Preamble.

WHEREAS the rates of duty prescribed in section V. clauses first and second, Regulation X. of 1813 have been evaded by foreign ships landing and receiving goods, at the Portuguese ports of Goa, Demaun, and Diu, and trading thereafter in such articles so landed and received, between those settlements and the port of Bombay by boats under British colors, the following enactment is passed with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies and with the approbation of the Board of Commissioners for the affairs of India, to be in force in the territories immediately dependent on this Presidency from the period of its promulgation.

A. D. 1821. REGULATION II.

Produce of Europe, China or foreign states imported from foreign European ports in India, liable to customs of 4½ per cent on an advance of 60 per cent on the invoice cost.
Or (the invoice cost unknown) 7½ per cent ad valorem.

II. On all goods imported by boats or ships from Goa, Demaun, Diu, or other foreign European ports in India, known to be the produce of Europe, China, or any foreign Asiatic or other state, an advance of 60 per cent shall be laid on the original invoice cost attested upon oath, and 4½ per cent customs shall be levied on the aggregate amount. In cases where the invoice cost cannot be determined, 7½ per cent ad valorem shall be collected.

Exports to the said ports ultimately intended for the said states, liable to 3½ per cent customs on the invoice cost.

III. On all goods exported under British or foreign colors to Goa, Demaun, Diu, or other foreign European ports in India, ultimately intended for Europe, China, or any foreign Asiatic or other state, 3½ per cent customs shall be collected on the original invoice valuation attested upon oath.

A. D. 1821. REGULATION III.

A REGULATION *for rescinding Sections XI. and XV. Regulation IX.* 1816, *and for making other provisions for the trial of persons charged with capital offences committed within the Fort and district of Anjar and their dependencies:—*
PASSED *by the Hon'ble the Governor in Council on the 6th of June* 1821, *corresponding with the 6th Jest Sood, Sumbut or Vikramajit Era* 1877; *Salbahan* 1743; *and 5th Ramzan* 1236 *of the Hejree.*

Preamble.

WHEREAS it has been found necessary, in consideration of the great extent of country over which a single Puisne Judge of the Suder Fuojdaree Adalut, is required to make his circuit, by Section XI. Regulation VII. 1820, to provide for the trial of persons charged with the commission of capital offences within the Fort and district of Anjar and their dependencies, by forwarding such persons to the next most convenient station where a Court of jail delivery is held, the Honorable the Governor in Council has been pleased to enact the following rules.

Sections XI. & XV. Regulation IX. 1816 rescinded.

II. Sections XI. and XV. Regulation IX. 1816 are hereby rescinded.

III.

Magistrate how to proceed on charges for offences of a capital nature.

III. Upon a complaint being preferred to the Magistrate of Anjar, against any person or persons, for a crime of a capital nature, the Magistrate shall proceed against the party accused, in the manner prescribed by the general regulations, subject to the following modifications.

Either to send the prisoner and witnesses forthwith to Surat, or to retain the former in safe custody for a time.

IV. If it shall appear to the Magistrate that the crime has actually been committed, and that there is evidence of the person accused having been concerned in the perpetration of it, the Magistrate shall, according to the circumstances stated in the next succeeding section, either forward the prisoner forthwith, together with his proceedings, to the Criminal Judge of Surat, accompanied by all the witnesses for the prosecution and also by such others, as the prisoner may desire should be called in his behalf (whom the Magistrate shall be careful to ascertain by inquiry of the prisoner), or he shall keep the prisoner for a time, in safe custody, to be afterwards sent to Surat, as hereunder provided.

How the Magistrate shall regulate the time for forwarding prisoners and witnesses.

V. The quarterly jail deliveries for the city and zilla of Surat being held on the first of the months of January, April, July and October of each respective year, the Magistrate of Anjar, in the transmission of prisoners and witnesses, will be guided as to the time for their conveyance, which shall be made by sea, by duly referring to the above dates, and regulating the departures of prisoners and witnesses, so that they may be received by the Criminal Judge of Surat, a few days previous to the quarterly jail deliveries for that city and zilla, held on the 1st of the months of October, January and April of each year; the object of this rule being to provide for one attendance of witnesses, at Surat, in such cases, being sufficient; and also for avoiding the necessity of sending prisoners and witnesses from Anjar, during the monsoon.

VI. The Criminal Judge of Surat on the receipt of a prisoner from the Magistrate of Anjar, shall proceed according to the general regulations, and bring him to trial before the next quarterly Court of jail delivery for the city and zilla of Surat.

The Criminal Judge of Surat to bring the prisoners to trial before the quarterly Court of jail delivery.

A. D. 1821. REGULATION IV.

A REGULATION *directing holders of lands, subject to quit and ground rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collector of that Island, within a certain period.*—PASSED *by the Honorable the Governor in Council on the* 1*st of August* 1821, *corresponding with the* 3*d of Shravan Sood Sumbut or Vikramajeet Era* 1877; *Salbahan* 1743; *and* 2*d of Zilkaad* 1236 *of the Hijree.*

Preamble.

WHEREAS great inconvenience and delays in the collection of certain quit and ground rents to be levied within the town and island of Bombay heretofore made or imposed by or under the authority of the Government of Bombay, have been experienced by reason of the proprietors of lands, houses and tenements assessed to such quit and ground rents, selling or transferring the same to other persons, without notifying such sales or transfers to the Collector of Bombay, the Honorable the Governor in Council has enacted the following rules for remedy thereof.

II.

Notice of sale or transfer of lands to be given to the Collector within 20 days after their completion, & of inheritance or devise within 20 days after the death of the last proprietor.

II. Whenever any of the lands, houses, or tenements, subject to such quit and ground rents, shall be sold or transferred, the person or persons so selling or transferring the same, and the person or persons to whom the same shall be sold or transferred, shall respectively cause notice thereof to be given to the said Collector of Bombay within twenty days after such sale or transfer shall be completed; and every person or persons who shall become the proprietors, or shall come into possession, of any such lands, houses, or tenements, by succession, inheritance, or devise, shall cause notice thereof to be given within twenty days after the decease of the last proprietor; and every person neglecting to give such notices, on conviction thereof upon the oath of one or more credible witness or witnesses, or by confession before the said Collector, or before one of His Majesty's Justices of the Peace, shall forfeit and pay the sum of rupees ten; and in case such penalty shall not be forthwith paid, it shall be lawful for such Collector, or such Justice, to levy the same by distress and sale of the goods and chattels of such person or persons, or to commit such person or persons to the gaol of Bombay to remain there for a period not exceeding ten days, unless such penalty shall be sooner paid; and every person selling, or transferring, such lands, houses, or tenements, without giving such notice, shall be liable, moreover, for such neglect, to the payment of the said quit and ground rents till such notice shall be given.

On pain of a fine of 10 Rs. on conviction of the neglect before the Collector or Justice of the Peace.

Fine to be levied by distress, or imprisonment, in case of non-payment.

TITLES OF THE REGULATIONS

PASSED IN THE YEAR 1821.

REGULATION

I.

A REGULATION *to explain Regulation V. of* 1820, *and to empower the Court of Sudder Adawlut constituted by such last mentioned Regulation, to hear and determine appeals from judgments and determinations by the late Court of Appeal, which had been preferred to, or were pending in the former Court of Sudder Adawlut at the time of passing the said enactment.—Passed on the 2d of May* 1821.

II.

A REGULATION *for amending Regulation X. of* 1813, *for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay.—Passed on the 23d May* 1821.

III.

A REGULATION *for rescinding section XI. and XV. Regulation IX.* 1816, *and for making other provisions for the trial of persons charged with capital offences committed within the Fort and district of Anjar and their dependencies.—Passed on the 6th of June* 1821.

IV.

A REGULATION *directing holders of lands, subject to quit and ground rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collectors of that Island, within a certain period.—Passed on the 1st of August* 1821.

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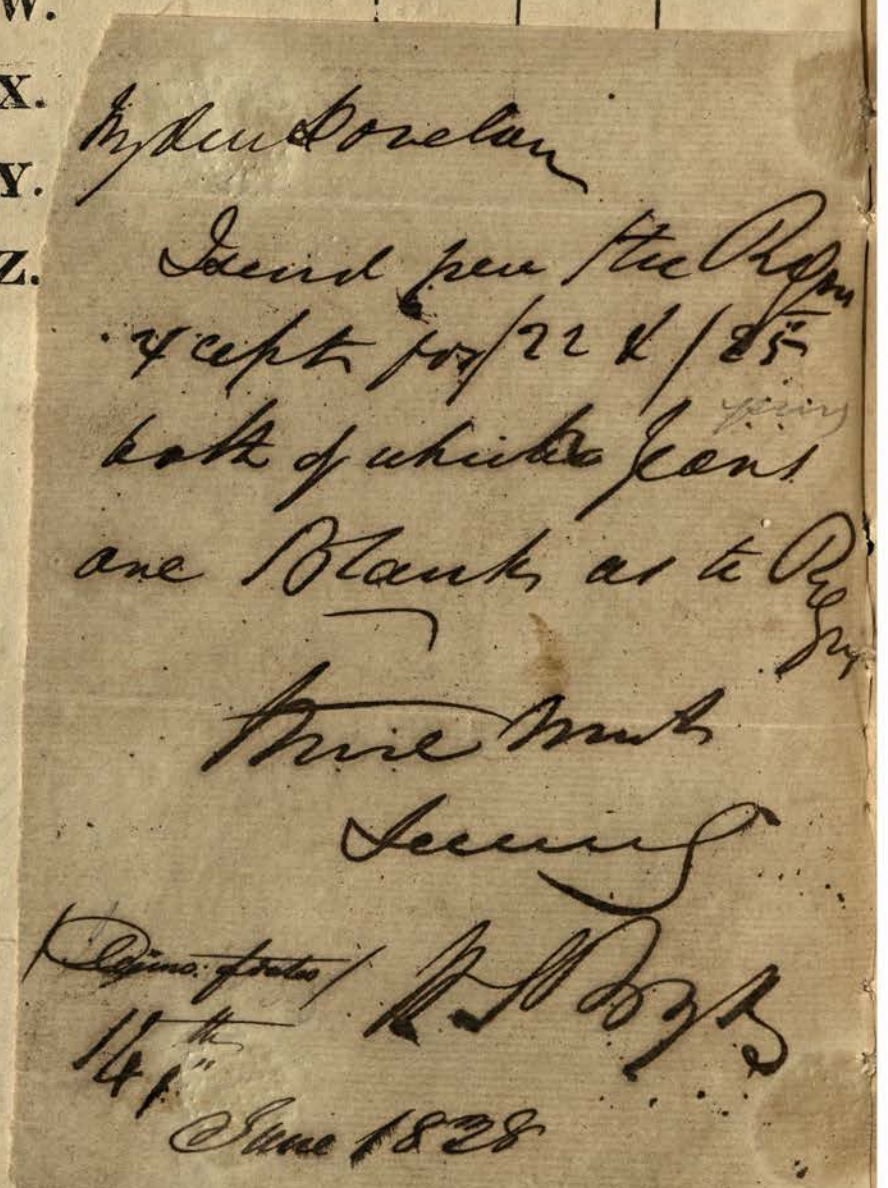

A. D. 1823. REGULATION I.

A REGULATION *defining the circumstances that constitute a Title to hold land exempt, either wholly or partially, from the payment of Revenue; prescribing the Rules of limitation in regard to actions of various descriptions, repealing certain Regulations now in force on those subjects, and enacting a special limitation, as to acknowledgments in writing, granted under former Governments by cultivators.*—PASSED *by the Hon'ble the Governor in Council on the 2d of April* 1823, *corresponding with the 7 first Chyter Vud Sumbut or Vikramajit Era* 1880; *Salbahan* 1745, *and 19th Rujub* 1238 *of the Hijree.*

Preamble.

WHEREAS justice requires that grants exempting land, either wholly or partially from the payment of Public Revenue, or a clear recognition of a defective or doubtful title to the same effect, when made by persons possessing authority for the purpose, should remain effectual, and that the persons possessing such authority, should, as far as possible,

sible, be generally known; and whereas it is expedient, that the enjoyment of exemption from Revenue for a period of sixty years, should, in certain cases, be held as proof of sufficient title to the exemption; and whereas it is necessary, to provide Rules for trying the validity of titles to hold land exempt either in whole or in part from the payment of Revenue; and whereas it is conducive to the public security, and to the quieting of disputes that a certain length of uninterrupted enjoyment should be held to supply defects of title to property of every description, and that actions should not be competent unless instituted within a reasonable time; and whereas from the want of a regular system under former Governments for administering justice in matters of a civil nature, an uncertainty prevailed whether the terms of engagements entered into, would be rigidly enforced, in consequence of which, cultivators were easily induced to grant written obligations for larger sums than were due, and justice requiring that the consideration given for such writings should be proved; the following Rules are therefore enacted to have effect from the date of their promulgation.

ENACTMENTS RESCINDED.

Former enactments rescinded.

II. The following enactments viz. Regulation III. of 1814; the IV. Section of Regulation I. of 1817; the V. Section of Regulation VI. of 1817; and so much of Section XIII. of Regulation III. of 1819, and of Section IV. of Regulation III. of 1820 as relates to the operation of Regulation III. of 1814; Section XIII, of Regulation I. of 1800; and Regulation VI. of 1816, are hereby rescinded.

OF TITLES TO EXEMPTION FROM REVENUE.

III. *First.*—Whenever land is enjoyed either wholly or partially

partially exempt from the payment of public Revenue under a deed or other writing granted by the present or any former Government, or by any of their public Officers possessing authority to grant the same, such deed or writing shall remain valid, and be considered as a sufficient title to the exemption.

Title to hold land wholly or partially exempt from Revenue.

Second.—Whenever land has been enjoyed, but not under a deed or writing, wholly or partially exempt from the payment of the public Revenue, for more than sixty years in succession by any person, his heirs or others, deriving right from him, such enjoyment, provided it has been under some tenure recognised by the custom of the country in which the land is situated; and more particularly under any of those specified in appendix A, shall be considered as a sufficient title to the exemption.—But declaring that Vichania and Geranea shall, in no case, so far as the rights of Government are concerned, be considered as tenures recognised by the custom of the country, in the sense of this clause.

Under recognised tenure joined with 60 years enjoyment of exemption.

(Vichania & Gerania excluded.)

Third.—But enjoyment of such exemption for 12 years, antecedent to the date when the territory in which the land is situated, came into the possession of the British Government, shall be considered as equivalent to enjoyment for 60 years, in terms of the preceding clause.

Or 12 years under a Native Government.

Fourth.—But such deed or writing, or such enjoyment, under a recognised tenure shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public Officers possessed, under a former Government, of full and sufficient authority to grant deeds exempting lands from the payment of public revenue: or, so far as the land has been assessed, under an order not subsequently

Exception where the land has since been assessed by certain authorities.

subsequently recalled, issued by any of the said public Officers, and such assessment in any instance realized.

Or paid a full assessment for 12 years.

Fifth.—Nor shall such deed or writing, or such enjoyment under a recognised tenure, be considered as a sufficient title, if the land has been subsequently assessed for the period of 12 years, like other land of the same description, enjoying no exemption, and the assessment has been realized; but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period.

Provision as to partial assessment.

Sixth.—And where the assessment so levied for 12 years, has not been to the extent of that imposed on other land of the same description, enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Title to hold land exempt from Revenue without a grant or recognised tenure.

In what cases valid from length of enjoyment.

IV. *First.*—Whenever land has been enjoyed without payment of public revenue, for more than sixty years in succession, by any person, his heirs others deriving right from him, such enjoyment shall be considered as sufficient title to the exemption.

Exception when the land has since been assessed by certain Officers.

Second.—But such enjoyment for more than sixty years, without payment of public revenue, shall not be considered as a sufficient title to exemption, in so far as the land has been subsequently assessed under an order, not expressly recalled, issued by the present or any former Government, or by any public Officers possessed, under a former Government, of full & sufficient authoriy to grant deeds exempting land from the payment of public revenue and such assessment, in any instance realized; or so far as the land, subsequent to such enjoyment for more than sixty years, has been assessed, for the period of six years, and the assessment has been realized; but without prejudice to any suit filed in support of the title, before the completion of the said period of six years.

Or paid revenue for 6 years.

V.

Recognition of title. Its effects.

V.—But whenever the title to hold any lands exempt in whole or in part from the payment of public Revenue, shall have been clearly recognised by the present or any former Government, or by any public Officer, possessed, under a former Government, of full and sufficient authority to grant deeds exempting land from the payment of public revenue, such recognition shall be understood to have cured all defects to the extent of such recognition, and be, in so far, admitted as a sufficient title to the exemption.

Land exempt from assessment not to be separated from lands extra assessed, without the sanction of the Collector.

If the one is held in connection with the other.

VI. *First.*—Whenever land is held under a grant or usage exempting one part of it, wholly or partially from the payment of revenue, in consideration of another part being assessed at a higher rate than land of the same description enjoying no exemption, any act whereby a part of the land shall be separated from the other, by sale or otherwise, shall, so far as concerns the rights of Government, be null and void, until the extra assessment is laid upon the exempted land with the sanction of the Collector.

Or the extra assessment has lasted 12 years and has been paid.

Second.—And whenever land enjoyed wholly or partially exempt from the payment of revenue is held, by whatever title, by a person who holds other land, which has been assessed for the period of 12 years at a higher rate than land of the same description, enjoying no exemption, and the extra assessement has been realized; any act whereby a part of the land shall be separated from the other by sale or otherwise, shall, so far as concerns the rights of Government, be null and void, until the extra assessment is laid upon the exempted land with the sanction of the Collector.

Lands exempt, as Jagheer, liable to resumption and assessment.

VII. *First*—Land held exempt as Jagheer shall be liable to resumption and assessment under the general Rules at the pleasure of Government when signified by order to the Collector, provided that such resumption or assessment shall

shall not commence until one year after the Incumbent shall have been served in the manner specified in clause 3d, 4th & 5th of Section X., with a notice according to the form specified in Appendix (B), accompanied with a copy of the order for resumption or assessment.

Lands exempt conditionally may be assessed.

Second.—And further all land held exempt from the payment of public revenue, if such exemption was granted in consideration of service to be performed, or for the support of religious or other establishments, or for other special purposes, shall be liable to be assessed, if the conditions of the grant are not fulfilled.

If the condition is not fulfilled.

But after notice.

Third.—Provided that no such assessment shall be made, until the person enjoying the exemption has received notice in writing, either from the Government, or any of it's officers duly authorized, requiring him to fulfil the condition of the grant, and has failed so to do, within the period specified in the grant, or if no period is so specified, for more than 6 months from the date of receiving the notice.

In cases of trust.

Fourth.—Provided also that where the person enjoying the exemption holds it in trust for the benefit of others, as in the case of exemptions granted for the support of religious establishments, public works &c., proclamation shall, at the time of giving the notice, be made, that the land will be assessed and the assessment enforced, unless within the limited period the conditions of the grant are fulfilled, or a suit to enforce their fulfilment is filed by some person interested.

Proclamation how to be published.

Fifth.—The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated, and copies thereof shall be fixed up in a conspicuous part of the Zillah Court, in the Collector's kutcherry, and in the public market of the said town or village.

VIII. *First.*—The public officers specified in Appendix C. are recognised to have possessed full and sufficient authority under former Governments to grant deeds or other writings exempting land, either wholly or partially, from the payment of public revenue.

Officers recognised as having authority to make Grants.

Second.—The validity of all such deeds or writings granted under former Governments by others than those specified in Appendix C. shall not be admitted without proof, that the person by whom they were granted, possessed full and sufficient authority for the purpose.

The authority of others to be proved.

IX.—Nothing contained in any of the preceding Sections of this regulation shall affect the right of the Collector to assess lands of any description for the public revenue and enforce such assessment without previously filing a suit in Court.

The right of the Collector to assess lands or enforce such assessment without filing a suit and to be effected by any of the preceding Sections.

X. *First.*—When land however is enjoyed wholly or partially exempt from the payment of revenue, and the Collector has reason to believe that no sufficient title exists for its being so enjoyed, it shall be competent to him, to call upon the occupant to defend his claim, specifying the mode of defence prescribed by regulation, and the amount of assessment which he intends to impose upon the land, in case the claim to exemption should not be defended.

When land is held exempt from assessment, the Collector may issue a notice of assessment.

Second.—The notice shall be in the form given in Appendix D. to this regulation.

Form and contents of the notice.

Third.—It shall be served by a Peon of the Collector's upon the holder of the land, if he is resident within the limits of the Zillah, and if he is not resident within the Zillah, upon any person acting for him during his absence.

To be served on the holder.

Or in his absence, on his agent.

Fourth.—If the holder is resident in another Zillah, and has no person acting for him in the Zillah in which the land

Or forwarded to the holder in another Zillah.

is situated, the notice shall be sent to the Collector of such other Zillah and be served in the manner above described.

Or on the person in charge of the land.

Fifth.—And if the holder be neither known to reside nor to have a person acting for him within the limits of any Zillah, the notice shall be served upon the person in charge of the land.

Person served to endorse his receipt.

XI. *First.*—The individual upon whom the notice is served, shall be required to endorse upon it his acknowledgment that it has been received, specifying the date of such receipt.

Otherwise the service to be proved.

Second.—If the individual should omit to give such acknowledgment, the tender of the notice shall be deemed to be a sufficient service on the same, and the date of it being proved by the evidence of two persons residing on the land or in the nearest village.

If no answer is given, the Collector may levy the assessment notified.

XII. *First.*—If the holder or other person on whom the notice has been served, fails within two months from the date of it's receipt to give a written answer, setting forth the grounds, whether resting on prescription or on specific grant on which the claim to exemption is founded, or if he gives such answer, without exhibiting such evidence as may be required, either by the production of written documents or by mentioning the names of witnesses, whom he wishes to be summoned, as the case may be; the Collector, after duly considering the information in his possession, may, if he sees no sufficient proof of the right to exemption proceed to levy the assessment specified in the notice.

But the Collector must allow the occupant time for the production of evidence.

Second.—But the Collector shall, on due cause shewn for delay, afford a reasonable period for the production of such evidence as the person attending to support the claim to exemption may desire to bring forward.

XIII.

XIII. *First.*—If the person so attending after giving in the written answer prescribed, within the period specified in clause first of the preceding Section, shall, on being called upon to produce evidence, exhibit a sunnud, grant or other written document, or mention the names of witnesses whom he wishes to be summoned, it shall be the duty of the Collector, in the presence of the party, to examine all written documents and to summon and take the depositions of witnesses in the same way and under the same rules, as the general regulations prescribe in the trial of civil suits in the Zillah court.

And evidence produced.

The Collector shall try the cause by the rules regarding civil suits.

Second.—But whereas it was enacted by Section II. Regulation III. A. D. 1814, that all grants for holding lands exempt from the payment of revenue, in the Islands of Salsette and Caranja, which shall have been made by competent authority previously to the 1st Dec. A. D. 1774; and all such grants as may have been made in the territories ceded by the Nabob of Surat previously to the 13th of May 1800; and all such grants as may have been made previously to the 15th of March 1802 in the Pergunnahs of Chowrassee and Chickly, granted, as a free gift, by the Guicawar to the Hon'ble Company, and all such grants as may have been made previously to the 5th of June 1803 in the territories ceded by the Guicawar; and all such grants as may have been made previously to the 31st of December 1802 in the territories ceded by the Paishwa under the treaty of Bassien; and all such grants as may have been made previously to the 29th of August 1803 in the District of Broach of which the Company acquired possession on that day by conquest, shall be valid; and all persons holding lands exempt from the payment of public revenue under grants made by competent authority previously to the several dates herein before specified, shall continue to hold such lands without let or molestation,

By Regulation III A. D. 1814. All grants for holding lands exempt from the payment of Revenue, made previously to the following dates to be valid.

In Salsette and Caranja, previously to the 31st December 1774.

In Surat, previously to the 13th May 1800.

In the Chowrasse and Chickly pergunnahs, previously to the 15th March 1802.

In the territories ceded by the Guicawar, previously to the 5th June 1803.

In the territories ceded by the Paishwa, previously to the 31st December 1802.

In Broach, previously to the 29th Augt. 1803.

molestation, provided that such lands may not have escheated to the state or may not have been resumed, and assessed for the public revenue, since the period of those dates respectively.

A Register of exempted land to be kept in each Zillah.

Third.—And by Section XVIII. Regulation III. A. D. 1814, that a Register shall be kept in each Zillah of the lands held exempt from the payment of revenue, previously to the dates herein before specified, and such registers shall be corrected and renewed once in every five years.

What the register is to specify.

The registers shall specify the denomination of each grant or sunnud; the names of the original grantors and grantees; the names of the present possessors, with the relation they bear to the original grantees; the dates of the sunnuds; the names of the villages comprised in the grant, with the extent of land specified in the local land measure; and the names of the Pergunnahs in which the land may be situated.

And what it is to be denominated.

Such registers shall be denominated "Register of lands exempt from the payment of Revenue, under grants not being Badshahie or Royal."

By Regulation III A. D. 1814. All grants for exempted lands to be registered.

Fourth.—And by Section XIX, that persons actually holding lands exempt from payment of public Revenue under sunnuds granted previously to the dates herein before specified, shall, whether the sunnud may or may not have been confirmed by competent authority, register the said particulars regarding their respective sunnuds in the Offices of the Collectors of Zillahs.

Collectors to require the registry of all exempted lands by public notice.

Fifth.—And by Section XX, that Collectors of Zillahs shall accordingly cause due notice to be given in all the Cutcheries and public places of each Zillah by written instruments, requiring persons holding exempted lands to register their respective sunnuds, and the said notices shall specify the particular information required for the purpose of registration.

The notice to specify the information required.

Sixth.—And by Section XXI., that when persons holding exempted

exempted lands may refuse, or omit to register their titles, during one whole year from the time of publishing the notice of the Collectors; such lands shall be liable to be assessed for the full amount of the public revenue in the same manner as other lands of the Purgunnah not held exempt under sunnud, but such assessment shall not be fixed by Collectors, except by the sanction of the Governor in Council previously obtained for that purpose in writing.

Period of time allowed for registering such lands and the consequence of omission therein.

Seventh.—And whereas Regulation III. A. D. 1814 was rendered applicable to other districts than those mentioned in clause second, according to the enumeration contained, and on the dates respectively specified in Appendix E. to this Regulation.

Regulation III A. D. 1814 when made applicable to other Zillahs.

Eighth.—And whereas the proclamation mentioned in clause fifth has been made in the Zillahs of Surat and Broach, the Eastern and Western Zillahs North of the Myhee, and the Zillahs of the Northern and Southern Conkan, it is hereby enacted, that in the abovementioned Zillahs, no sunnud not registered within one year after the proclamation abovementioned was made, shall be held by the Collector, or by any Court of Justice to preclude the assessment of land in the manner specified in clause sixth.

Proclamation made in the Zillahs of Surat and Broach, the Eastern and Western Zillahs North of the Myhee, & the Zillahs of the Northern & Southern Conkan; therefore lands not registered liable to assessment.

Ninth.—When a written deed is produced, the Collector shall, after examining the same, certify on the back of it the date on which it was produced before him, and, if desirous of having a copy of it, shall cause one to be made in the presence of the person who produced the deed to whom he shall then return it.

Written deeds to be examined and copied in the presence of the owner and then returned.

XIV. *First.*—The Collector shall also summon witnesses on the part of Government, and in the presence of the party attending to support the claim to exemption, take their depositions on oath, and produce, and cause to be read any written

Collector to summon witnesses on the part of Government and examine them in the presence of the party.

written document on which he founds a right on the part of Government to assess the land, according to the terms of the notice.

Who may also examine them.

Second.—The holder of the land or other person attending in support of his claim shall be at liberty to examine such documents and to question the witnesses on oath.

Resistance of summons or process how to be punished.

XV.—Any person resisting any summons or other process of the Collector in any case depending before him under this regulation, shall be subject to the same penalties as are enacted against persons resisting the process of the Zillah Court.

Persons refusing to swear or give evidence to be punished.

XVI.—Any person attending as a witness in any cause depending before the Collector under this regulation, and refusing to be sworn, or to give his evidence, shall be sent by the Collector to the judge, by whom he shall be dealt with in the mode prescribed in the general regulations for persons refusing to be sworn, or to give evidence, in a cause depending before a Court of Justice.

Also persons giving false testimony.

XVII.—Any person giving false testimony before the Collector, in any proceeding depending before him under this regulation, shall be held to be guilty of perjury, and shall be liable to be proceeded against in the mode prescribed in the general regulation.

Collector to keep a record.

XVIII. *First.*—The Collector shall keep a record of his proceedings in the language most generally spoken in the Zillah; the record shall contain copies of all the documents comprised in the enquiry, and copies of all the depositions taken, with references to the originals. It shall further contain the decision of the Collector, and a full statement of the grounds on which it is passed.

What it is to contain.

A copy to be given to the party claiming exemption.

Second.—A copy of the record shall, when the enquiry is closed, be given to the party attending in support of the claim of exemption.

Third

Third.—But in the case of persons specified in Section XII. Clause first, it shall not be necessary for the Collector to enter on his record any documents or evidence whatever, nor to furnish the parties with any information beyond his decision on the claim to exemption, to be communicated in writing, in the mode prescribed in Section X. Clauses 3d, 4th and 5th, for giving the notice of assessment.

Except under certain circumstances.

XIX.—If the decision of the Collector be in favor of the right of the holder to enjoy the land as previously, such decision shall, after being communicated to the party, be reported by the Collector to Government, and if sanctioned by Government shall be final.

Collector's decision in favor of exemption final, if sanctioned by Govt.

XX.—If the decision of the Collector be against the right of the holder to the exemption claimed, he shall proceed to assess the land.

If against the exemption, assessment how to be made

XXI.—Whenever the holder of land held wholly or partially exempt from assessment, or any person appearing to support his claim, has given a written answer to the Collector's notice issued in conformity to Section X. and, if the claim is founded on specific grant, has produced a written deed, or shewn sufficient cause for not producing it; it shall not be competent to the Collector to leave the question undecided, without the consent of the party in writing; on receiving which, the Collector shall furnish him with a copy of the record of his proceeding, which shall contain an intimation, that his title has not been decided upon, and is subject to future examination.

Collector when obliged to decide the question of exemption, and when not so obliged.

XXII.—In all cases of doubt, or whenever in the course of the enquiry it appears to the Collector, that although the claim to exemption has not been legally established, the holder from uninterrupted enjoyment for a considerable period,

A compromise may be concluded with the party claiming exemption.

or from other causes, is entitled to indulgence, it shall be competent to the Collector to conclude a compromise, subject to the confirmation of Government, with the party, upon the principle of securing to him a portion of the advantages claimed.

Original suit against the collector in what cases and for what period competent.

XXIII. *First.*—The holder of land subjected to assessment by the Collector, under Section XII. Clause 1st of this Regulation, shall be at liberty to institute an original suit in the Zillah Court against the Collector within twelve or six years, according as the land, the subject of the suit, may come under the provisions contained in Section III. Clause fifth, or Section IV. Clause second, from the date when the Collector's decision was made known.

Appeal in what cases and for what period competent.

Second.—The holder of land subjected to assessment by the Collector under Section XX. of this Regulation, shall be at liberty to appeal to the Zillah Court from the Collector's decision within the period, and subject to the rules prescribed for appeals from the Zillah Court to the Sudder Adawlut.

Holder subject to forfeitures if no written answer was given to the notice.

Third.—But the holder shall, even if he gains his cause, pay the whole costs of suit, and forfeit at least one year's assessment of the land and any further assessment which may have been levied up to the date of the decree, if a written answer was not given to the Collector's notice issued in conformity to Section X.

Or if given & the grounds of action different from those urged in such answer.

Fourth.—He shall also be subject to the same penalties if such written answer was given, and the grounds of action subsequently stated in the petition of appeal are of a different nature from those urged in such answer.

Or if a sunnud previously withheld without good cause is produced.

Fifth.—And also if the claim was grounded before the Collector on a written deed, and the holder produces before the Court any written deed which was not produced before the Collector without shewing sufficient cause, and proving that

such

such cause was assigned to the Collector, or adducing good reason for its not having been so assigned.

If oral testimony previously withheld without cause is produced.

XXIV.—If the written answer given in to the Collector stated that the proof of the claim rested on oral testimony, and the holder subsequently before the Court calls any witness who was not called before the Collector, without shewing sufficient cause for his not having been called, and proving that the cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the holder shall, even if he gains the cause, pay the costs of suit, and one year's assessment of the land; and be subject moreover to any part of the additional forfeiture specified in the preceding Section, in consideration of the degree in which he may be considered to have himself occasioned the assessment of the land by the non-production of evidence before the collector, without sufficient cause for such non-production.

Certain forfeitures exigible.

Suits and appeals against the Collector to be tried & to be subject to appeal like others.

XXV.—Suits and appeals instituted in the Zillah Court under this Regulation against the Collector, shall be conducted in the same way and under the same rules as all other suits, and shall be subject to the same provision in respect to the right of appeal.

Reservation of the Right of Govt. to assess all lands.

XXVI.—Nothing contained in the preceding Sections shall be understood to affect the right of Government, to assess to the public revenue, all lands under whatever title they may be held, whenever, and so long as, the exigencies of the state may render such assessment necessary.

OF THE LIMITATION OF ACTIONS AS TO IMMOVEABLE PROPERTY.

Title to immoveable property required by possession for 30 years.

XXVII. *First.*—Whenever lands, houses, hereditary offices or other immoveable property, have been held without interruption for a longer period than thirty years, whether by

any

any person as proprietor, or by him, his heirs, or others deriving right from him, such possession shall be received as proof of a sufficient right of property in the same.

May be disputed within 60 years in case of fraud.

Second.—But it shall be a sufficient answer to the plea of the possession for more than thirty years that the person in possession as proprietor, or any of the persons by whom he derives his right, acquired such possession by fraudulent means; on proof whereof a suit may be entertained at any period within sixty years.

Bonâ fide possessor for 30 years not affected.

Third.—Provided that if such property has been held for more than thirty years, by a person or persons *bonâ fide* believing his or their title as proprietors to be good, such title shall not be affected by the fraud of a former possessor.

Actions of damages reserved.

Fourth.—Nothing contained in this Section shall bar an action of damages, brought within sixty years against any of the persons by whom the fraud was committed.

AS TO ACTIONS OF DAMAGES FOR INJURY TO THE PERSON, OR SLANDER.

Limitation of suits to 12 months from the offence, in suits for damages for injury to the person.

XXVIII.—*First.* It shall be a sufficient defence in all suits for damages on account of assaults, imprisonment or other direct insult or injury to the person, that the cause of action arose more than twelve months before the suit was filed.

To 12 months from the injury becoming known, in suits for damages for calumny &c.

Second.—It shall in like manner be a sufficient defence in all suits for damages on account of calumny or slanderous words, that the plaintiff had been in the knowledge of the calumny or slanderous words more than 12 months before the suit was filed.

AS TO ACTIONS FOR DEBTS NOT RESTING ON WRITING, AND OF DAMAGES IN GENERAL.

To 6 years for certain debts & damages.

XXIX.—*First.* It shall be a sufficient defence in all civil

suits

suits for debts not founded upon, or supported by an acknowledgment in writing, and in all suits for damages other than those specified in Section XXVIII of this Regulation, that the cause of action arose more than six years before the suit was filed.

Second.—But in the case of running accounts the time shall be reckoned from the date of the last transaction.

How reckoned in running accounts.

AS TO ALL OTHER ACTIONS.

XXX.—It shall be a sufficient defence in all suits not falling under any of the limitations contained in the preceding sections of this regulation, that the cause of action arose more than twelve years before the suit was filed.

To 12 years for certain other debts &c.

SPECIAL CASE OF THE THACORE OF BHOWNUGGUR.

XXXI.—*First.* In all cases in which actions may be brought against the Thacore of Bhownuggur for lands or other immoveable property as specified in Section XXVII. Clause first, it shall be a sufficient answer that he acquired, and has held possession of the same under a title conferring a bonâ fide right of property since the 31st December 1802.

Bhownuggur Thacore may plead that he acquired immoveable property before 31st Dec. 1802.

Second.—And in regard to all other suits it shall be a sufficient answer that the cause of action arose previous to the 20th July 1815.

And in all other cases, that the cause of action arose before 20th July 1815.

Third.—But subsequent to the dates specified in the two preceding clauses, all actions against the Thacore of Bhownuggur shall be subject to the usual limitations.

After which periods respectively, all claims against him shall be subject to the usual limitations.

EXCEPTIONS.

XXXII. *First.*—It shall be a sufficient answer to a defence, resting on any of the limitations contained in Sections XXIX, and XXX. of this Regulation, that the claimant had demanded the money or matter in dispute, before the time of the limi-

Period of limitation how reckoned in case of demand and acknowledgment.

tation

tation was completed, or subsequent thereto, and that the defendant or the person from whom he derives right, had admitted the justice of the demand, on proof whereof the time of limitation shall be reckoned from the date of such admission.

In case of acknowledgment in writing.

Second.—But where the debt is founded upon, or supported by an acknowledgment in writing, the answer shall not be held sufficient unless the admission is also in writing.

In case of claim legally preferred.

XXXIII.—And it shall be a sufficient answer to a defence resting on any of the limitations, that the claimant before the time of the limitation was completed, had preferred his claim to an authority possessing jurisdiction, competent to try the demand, or that the parties had by mutual consent referred the matter in dispute to arbitration; on proof whereof, and on the claimants assigning satisfactory reason why there was no judgment, or award, the time of limitation shall be reckoned from the date of the last proceeding known to the defendant, in such claims or arbitration.

In case of minority.

XXXIV. *First.*—And it shall be a sufficient answer to a defence resting on any of the limitations, that contained in Section XXVIII. of this Regulation excepted, that the claimant had, from minority, been precluded from obtaining redress, on proof whereof, a suit may be entertained at any period not exceeding three years from his death, or attaining the age of eighteen years complete.

Or insanity.

Second.—And it shall be a sufficient answer to a defence resting on any of the limitations, that contained in Section XXVIII. of this Regulation excepted, that the person having the right of action was insane, on proof whereof, a suit may be entertained at any period not exceeding three years, from his death or recovery.

Third.

Special provision as regards Section XXVIII.

Third.—And in actions for damages to which the limitation contained in Section XXVIII. of this Regulation applies, a suit may be entertained at any period not exceeding one year, in the case of minority, from the death of the minor, or his attaining the age of 18 years complete; and in cases of insanity, from the death of the insane person or his recovery.

Rules for limitation of suits not to affect property granted in mortgage &c.

XXXV.—*First.* If a person claims to recover property held in mortgage, pledge, pawn or deposit, or by other title conferring only a right of possession and not a right of ownership, in such case no length of time shall prevent the Courts entertaining the suit.

Unless held by a bona fide possessor.

Second.—But should such property have been held, if immoveable, for more than thirty years by a bonâ fide possessor as proprietor, or if moveable, for any time by a person possessing bonâ fide as proprietor, under a right founded on an equitable consideration, such possessor shall not be disturbed, though an action of damages may be entertained against the person by whom it was illegally alienated.

OF ACKNOWLEDGMENTS GRANTED BY CULTIVATORS UNDER A FORMER GOVERNMENT.

Acknowledgments granted by cultivators under a former Govt., if questioned, consideration to be proved.

XXXVI.—Whenever a Cultivator of the soil is sued upon an acknowledgment in writing executed by him, before the territory where it was executed came into the possession of the British Government, it shall be competent for him to plead that he did not receive a full consideration for the same, where upon the plaintiff shall be required to prove his debt, in the same manner as if no acknowledgment in writing had been executed, and such sum only, as in the circumstances of the case is just and equitable, shall be allowed in the decree.

A. D. 1823. REGULATION I.

APPENDIX A.

List of tenures that may be considered as "tenures recognised by the custom of the Country" under Section III. Clause II. of this Regulation.

Wanta,
Gras,
Wuttun,
Pussaeta,
Waola,
Raonia,
Puggeea,
Khoodkhasta,
Coolejapa,
Barria,
Meeras,
Izaffut,
Dewustan.

APPENDIX B.

Whereas you Inhabitant of occupy Beegas of land in the bounds of the village of in the Purgunna of as Jagheer, this is to acquaint you that the said tenure will cease on the expiration of one year from the time of notice being shewn to you, such being the order of the Governor in Council, as expressed in the accompanying copy.

APPENDIX C.

List of Officers who under former Governments had power to confer grants exempting lands wholly or partially from the payment of public revenue.

UNDER THE EMPERORS OF DELHI.

Sobhadars of Provinces.

A. D. 1823. REGULATION I.

IN THE TERRITORIES THAT WERE SUBJECT TO THE PAISHWA.

The Paishwa.

All officers holding the Mootalikee seal.

All Sirsoobhadars in their districts.

All superior local functionaries acting directly under the Paishwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.

The Gykwar considered as a Sirsoobahdar in the Paishwa's territories to the North of the Myhee, during the period that he held them in farm.

IN THE TERRITORIES THAT WERE SUBJECT TO THE GYKWAR.

The Gykwar.

All subordinate Officers holding the Mootalikee seal.

IN THE TERRITORIES THAT WERE SUBJECT TO SCINDIA.

Scindia.

His Subordinate Officers holding the Mootalikee seal.

IN THE TERRITORIES THAT WERE SUBJECT TO HOLKAR.

Holkar.

His subordinate Officers holding the Mootalikee seal.

IN THE TERRITORIES THAT WERE SUBJECT TO THE NIZAM.

The Nizam.

IN THE DISTRICTS THAT WERE SUBJECT TO THEM.

The Nabob of Surat.

The Nabob of Broach.

APPENDIX D.

NOTICE.

Whereas you inhabitant of occupy Beegas of land in the bounds of the village of in the Purgunna of without

without paying the amount due as Government revenue on the said land; this is to intimate to you that unless within two months from the receipt of this notice you appear before me personally or by vakeel, and defend your claim to hold the land in the manner above specified by giving in a written answer to this notice, setting forth the grounds of your claim, and produce such documentary or oral evidence as may be requisite in the case, or shew good cause for not producing it, the land will be assessed at the rate of Rupees per Beegah.

Annexed to this for your information is a copy of Sections XII. XXIII. and XXIV. of Regulation I. A. D. 1823. specifying the consequence which will result from your neglecting to defend your claim before me or defending it in such a manner as to bring you within the operation of the rules contained in those Sections.

(Signed)

Collector.

APPENDIX E.

Statement shewing when Regulation III. of 1814 *commenced operating in the undermentioned territories.*

ZILLAH SURAT.

Currode Vide Section IV. Regn. I. 1807. 5 June 1816.

The Purgunnah of Bhugwarah. Turkeyur.	Section XIII. Regn. III. 1819, 6th Do. Do.
The Cusba of Mota in Surat Attaveesy.	
Village of Mugdulla, with some adjoining lands in the village of Preplod, in the Purgunnah of Chowrasee.	

Oolpar

Oolpar, ...	Section XIII. Regn. III. 1819, 28th Nov. 1816.

ZILLAH BROACH.

The Purgunnah of Jumbooseer, Ahmood, ... Dejbarra, ...	Section V. Regn. VI. 1817, 5th June 1816.

ZILLAH NORTHERN CONCAN.

The district of, Bellapoor, .. Atgaon, ... Cullian, ... and all the Territories of the late Paishwa as far North as the Dumaun river; (Bhugwara as originally included in this Zillah by the II. Section of the Regulation here quoted, as part of the late Paishwa's territories situated to the North of the above districts as far as Guzerat, having been afterwards transferred by Regn. III. of 1819 Sect. VI. to Surat;) and lying between the Ghauts of the Syadree mountains and the sea.	Ditto, Ditto, Ditto,
The tract of territory to the south of the districts of Bellapoor, Atgaon and Cullian as far as the river Apta and lying between the Ghauts of the Syadree mountains and the sea.	Section XIII. Regn. III. 1819. 2d Sept. 1817.

ZILLAH

A. D. 1823. REGULATION I.

ZILLAH SOUTHERN CONCAN.

The conquered territory bounded on the North by the Apta river and on the South by the Carlee or Malwan river, and lying between the Ghauts of the Syadree mountains & the sea, known under the appellation of the Southern Concan; but exclusive of Fort Victoria and Malwan and their dependencies, to which Regn. III. of 1814 was never extended.	Section XIII. Regn. III. 1819. 2d Sept. 1817.
The sea coast villages in the Turruf of Paut and Ajgaon viz.	
Barree, Aroulee, Seersondee, .. of Ajgaon.	Section VI. Regn. III. 1820. 17th Feb. 1819.
Dabolee, Kunolee, Keyloos, Mehapun, Kuncherry, Purolen, ... of Paut.	

WESTERN ZILLAH NORTH OF THE MYHEE.

Veerumgaom, ...	
The city of Ahmedabad, including such villages in the Duskeeroee as are to the west of the Kharee river; the Purgunnah of Purantij, and the Paishwa's share of Hursolee and Merassa.	Section XIII. Regn. III. 1819. 6th June 1816.

EASTERN

A. D. 1823. REGULATION I.

EASTERN ZILLAH NORTH OF THE MYHEE.

Cupperwunje, ...	Section IV. Regn. I. 1817. 5th June 1816.
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Wasna and Kharuej, ...	
Mahmoodabad, ...	Section XIII. Regn. III. 1819. 6th Do. 1816.
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Antrolee, ...	
Tasrah, ...	
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TITLE OF THE REGULATION

Passed in the Year

1823.

REGULATION I.

A REGULATION *defining the circumstances that constitu*
a Title to hold land exempt, either wholly or partiall
from the payment of Revenue; prescribing the Rules
limitation in regard to actions of various descriptions, r
pealing certain Regulations now in force on those subject
and enacting a special limitation, as to acknowledgments
writing, granted under former Governments by cultivator
Passed on the 2d of April 1823.

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Shreecrustna Jagonnathjee Prabhoo Printer.

A. D. 1824. REGULATION I.

A REGULATION, *for authorizing the Zillah Civil Courts under the Presidency of Bombay to execute judgments passed by any other Civil authority under the said Presidency*:—PASSED *by the Governor in Council on the* 31*st day of March* 1824, *corresponding with the* 1*st Chyter sood Sumbut or Vekramajit Era* 1880; *Salbahan* 1746, *and the* 29*th Jummadee ul Akhur* 1239 *of the Hijree.*

Preamble.

WHEREAS it is expedient to guard against the execution of judgments in Civil cases being defeated by the parties against whom given absconding from the limits of jurisdiction of the Authority by which such judgment may have been passed, the following Rules have been enacted to be in force from the date of this Regulation.

The Judge of any Zillah is to execute Civil Judgments passed by other Authorities under certain circumstances.

II. *First.*—If a defendant in a suit decided by any competent civil authority under the Presidency of Bombay shall previous to execution of the said decision retire from the limits of jurisdiction of the said Authority into any Zillah subordinate to the said Presidency, the judge of such Zillah shall on receiving a written Application from the Plaintiff either in person or by Vukeel, setting forth the above circumstances and accompanied

nied by a duly authenticated copy of the judgment, proceed to execute the same in the mode prescribed by the existing Regulations for executing decrees passed in the respective Zillahs.

How to proceed if objections are urged against the execution.

Second.—Provided that if such defendant alledge any objection to the execution which may appear to require the determination of the Authority by which the decision was made, the judge shall allow a reasonable period for the defendant to apply for the same; at the expiration of which period if no duly authenticated document passed by the said Authority shall be produced of such nature as to substantiate objection to the execution, the judge shall proceed to execution as directed in the preceding clause.

How to ascertain the competency of the Authority which has passed the judgment.

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Defendants not liable to Imprisonment after having been once released from the same.

Fourth.—Provided always that a defendant who has been imprisoned in execution of any judgment and lawfully released shall not be again imprisoned by virtue of this Regulation, but the execution shall proceed against his property only.

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A. D. 1824. REGULATION II.

A REGULATION, *for removing Doubts as to the Construction of Section* XXVIII. *Regulation* I. *A. D.* 1823, PASSED *by the Governor in Council on the 7th April* 1824. *Corresponding with the 8th Chyter sood Sumbut or Vekramajit Era* 1880; *Salbahan* 1746, *and the 6th Rujub* 1239, *of the Hijree.*

Preamble.

WHEREAS it is expedient to remove certain Doubts that have occurred respecting the application of Section XXVIII. Regulation I. A. D. 1823, to suits arising from expulsion from Caste, the following Rules are enacted.

Suits respecting expulsion from Caste to be subject to the Rules in Section XXVIII. Regulation I. A. D. 1823.

SECTION II. *Clause* I.—Civil Actions to recover the Right of Participation in Caste communications and Privileges shall be subject to the Rules in the above quoted Section.

The period of expulsion how to be calculated.

II. Provided that the Period of expulsion from Caste shall not be calculated from the time at which the Members of the Caste may have made any Resolution of expulsion, but from the time at which the Plaintiff became acquainted with it.

Actions may be laid for each separate occurrence of Caste Rights being refused.

SECTION III. It shall be lawful for a Plaintiff who has already recovered Damages by an Action for expulsion from Caste to institute a separate Action and recover Damages thereon for each

each subsequent occasion of his being refused Participation in Caste communication or Privilege, notwithstanding it may have arisen from the same expulsion which has already been tried.

Printed by Shreecrustna Jagonnathjee Prabhoo.

A. D. 1824. REGULATION III.

A Regulation fixing the period from which Section XXIX. *Regulation* I. *A. D.* 1823, *is to take effect and further prescribing a peculiar mode for the calculation of the periods of limitation specified in Section* XXIX. *and* XXX. *of the above cited Regulation in certain cases in the Zillah of Broach.* **PASSED** *by the Governor in Council on the 7th of April* 1824, *Corresponding with the 8th Chyter Sood Sumbut or Vekramajit Era* 1880, *Salbahan* 1746, *and 6th Rujub* 1239, *of the Hijree.*

Preamble.

IT appearing that the provisions of Section XXIX. Regulation I. 1823, bear heavy on the public in many instances from the application of the above referred to Regulation taking effect from the date of promulgation and giving no time for adjusting accounts where balances have been for a longer period outstanding than six years under the guarantee of the old Regulations, and justice demanding that the operation of the Section in question should not take place until sufficient time has been given to persons thus situated for adjusting such balances, and whereas from particular circumstances

circumstances the creditors of Ryuts in the Old Broach Zilla were denied a hearing of their cases until rules were enacted for the guidance of the Court in such instances, it becomes necessary to exempt all such cases from the usual term of limitation in which suits may be brought, by rejecting from the calculation the period from the date of the institution of the Udalut in that Zilla until the promulgation of Regulation I. 1823, wherein Section XXXVI. prescribes the rules under which such claims may be tried. The following rules have been passed by the Hon'ble the Governor in Council.

Limitation of six years in Section XXIX Reg. I. 1823, to commence from the 1st May 1825, all previous suits filed to be settled under the old law.

SECTION II. The operation of Section XXIX. Regulation I. 1823, shall not be considered to have effect until after the first day of May 1825, and all suits instituted previous to that date shall be tried and determined under the Regulations existing previous to passing the enactment above referred to.

The limitation within the Broach Zilla to be calculated without adverting to the period of time that has elapsed since the institution of the Udalut there and the promulgation of Regulation I. 1823.

SECTION III. The period of time which has elapsed since the institution of the Udalut in the Zilla of Broach, to the date of promulgation of Regulation I. 1823, shall be rejected in calculating the limitation within which claims of the nature described in Section XXXVI. Regulation I. 1823, shall be heard and determined.

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A. D. 1824. REGULATION IV.

A REGULATION *for rescinding Section IX. Regulation VI. A. D.* 1820, *and Section VI. Regulation V. A. D.* 1820, *and appointing a second Register to the Courts of Sudder Adawlut and Sudder Foujdaree Adawlut*,—PASSED *by the Hon'ble the Governor in Council on the* 19*th of May* 1824, *corresponding with the* 6*th of Vaisack Vud Sumbut or Vekramajet Era* 1880; *Salbahan* 1746; *and* 19*th Ramzan* 1239, *of the Hijree.*

Preamble.

WHEREAS inconvenience and prejudice to the due discharge of the duties of Register to the Court of SudderAdawlut and Sudder Foujdaree Adawlut is found to result from the Register to those Courts taking cognizance of original Civil suits referred to him by the Judge of the Zillah of Surat under Section IX. Regulation VI. 1820, and it is expedient further provision should be made for the discharge of the said duties of Register to the Courts of Sudder Adawlut and Sudder Foujdaree Adawlut; It is enacted as follows.

II.

Section IX. Regulation VI. of 1820, rescinded.

II. Section IX. Regulation VI. of 1820, is rescinded.

Section VI. Regulation V. of 1820, rescinded and two Registers and an Assistant Register appointed to the Courts of Sudder Adawlut and Sudder Foujdaree Adawlut.

III. Section VI. Regulation V. A. D. 1820, is rescinded, and in lieu of the Officers thereby constituted there shall be appointed two Registers, to be denominated respectively first and second Register, and an Assistant Register to the Court of Sudder Adawlut; they shall hold the same situations respectively in the Court of Sudder Foujdaree Adawlut, and, previously to entering upon the duties of their Offices in either Court, shall take and subscribe in open Court the oath respectively prescribed in Section III. Regulation IV. A. D. 1800, and Section VII. Regulation VII. A. D. 1820.

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TITLES OF THE REGULATIONS

Passed in the Year

1824.

REGULATION I.

A REGULATION *for authorizing the Zillah Civil Courts under the Presidency of* BOMBAY *to execute judgments passed by any other Civil Authority. Passed on the* 31*st of March* 1824.

REGULATION II.

A REGULATION *for removing doubts as to the Construction of Section* XXVIII. *Regulation* I. A. D. 1823. *Passed on the 7th of April* 1824.

REGULATION III.

A REGULATION *fixing the period from which Section* XXIX. *Regulation* I. A. D. 1823, *is to take effect, and further prescribing a peculiar mode for the calculation of the periods of limitation specified in Section* XXIX *and* XXX *of the above cited Regulation in certain causes in the Zillah of Broach. Passed on the 7th of April* 1824.

REGULATION IV.

A REGULATION *for rescinding Section* IX. *Regulation* VI. A. D. 1820, *and Section* VI. *Regulation* V. A. D. 1820, *and appointing a Second Register to the Courts of Sudder Adawlut and Sudder Foujdary Adawlut. Passed on the* 19*th of May* 1824.

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Z.			

Regulation for 1825 Blank

(Vide Mr. Secy Boyd's note pasted at the End of the Regulation of 1826.)

A.E.G.

A. D. 1826. REGULATION I.

A REGULATION *to explain the enactments in force as to the admissibility of actions for debt against the Thakor of Bhownaggur.*—PASSED *by the Governor in Council on the* 14*th of June* 1826, *corresponding with the* 9*th of Jest Sood Sumbut or Vikramajet* 1882; *Salbahan* 1748, *and* 7 *of Zilkad* 1241 *of the Hijree.*

Preamble.

WHEREAS doubts have been entertained as to the meaning of the Second Clause of Section XXXI. Regulation I. A. D. 1823, the following explanation of that enactment is hereby enacted.

Explanation of the limitation of actions against the Thakor of Bhownaggur, which are in no case cognizable if the demand were of prior date to 20th July 1815.

II.—In explanation of the Second Clause of Section XXXI. Regulation I. A. D. 1823, it is hereby declared, that no demand whatever (except in the cases provided for in the first Clause of that Section) against the Thakor of Bhownaggur, which is of a date prior to the 20th July 1815, is cognizable in the Courts of Justice, even though the case should be a running account, and transactions should have occurred in the same, subsequently to the above specified date.

REGULATION II. A. D. 1826.

A REGULATION *for punishing the receipt of Bribes by Officers employed in the Collection of Sea Customs, and the gift or offer of the same.*—PASSED *by the Governor in Council on the 5th of August* 1826, *corresponding with the 2d of Sharavun Sood Sumbut or Vikramajit* 1882, *Salbaham* 1748, *and 30th of Zilhuz* 1241 *of Hijree.*

Preamble.

WHEREAS it has been deemed expedient, for the protection of the revenue derived from Sea Customs, and the prevention of fraud and correction in that department, that severe penalties should be denounced against the receipt of Bribes by Officers employed in the collection of Sea Customs, as also against the receipt or offer of a Bribe by any person to any such Officer, the following rules have therefore been enacted, to have effect from the date of their promulgation.

Cus'om House Officers liable for bribery to forfeit Rupees 4,000,

II.—*First.*—Any Officer employed in the collection of Sea Customs, who shall receive, directly or indirectly, any Present or Bribe for the neglect or non-performance of any part of his official duty, shall for every such offence forfeit a sum not exceeding Rupees (4,000) Four Thousand.

as also persons giving or offering them a bribe.

Second.—Any person who shall give, or offer, or promise to give, any Present or Bribe to any Officer employed in the collection of Sea Customs, for the neglect or non-performance of any part of his official duty, shall also for every such offence forfeit a sum not exceeding Rupees (4,000) Four Thousand.

III.

Offenders how tried, forfeitures how levied within the Supreme Court's Jurisdiction and beyond it.

III.—The forfeitures specified in the preceding Section, shall, within the jurisdiction of the Supreme Court of Judicature of Bombay, be recoverable in the said Supreme Court by information there exhibited by the Advocate General, or other principal law officer of this Presidency, and beyond the Supreme Court's jurisdiction the said offences shall be tried, and the assigned forfeitures adjudged and levied by the Criminal Court of the Zilla; and an offender convicted before the Zilla Court shall be sentenced to imprisonment, without labour, for a period not exceeding five years, in case the forfeiture is not sooner paid.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

A. D. 1826. REGULATION III.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

A REGULATION *to declare and define Military authority in its relations to the Civil Power and to the Community at large.*—PASSED *by the Governor in Council on the* 27*th September* 1826, *corresponding with the* 11*th Bhadrava Vud Sumbut or Vikramajeet Era* 1882, *Salbahan* 1748, *and* 24*th Suffer* 1242 *of the Hijree.*

Preamble.

WHEREAS it is essential to military discipline that in certain cases, when persons belonging to or connected with the army are defendants, both Civil and Criminal jurisdiction should be exercised by Courts of military constitution in lieu of the ordinary tribunals; and further, that certain matters connected with the military department should be cognizable by Civil Courts; and whereas it is also expedient, that camp followers should be subject to a more direct control than can be exercised over them by the Civil power, that the mode of communication between Civil and Military authorities should be prescribed, and their right to call upon each other for aid

defined,

defined, and that means of suppressing immorality at military stations and in camps should be provided; and whereas the British legislature has in 4th George IV Chap. 81 enacted certain rules for the above purposes with relation to persons of particular descriptions, the same, so far as applicable, are adopted with certain additional rules in relation to such persons of similar descriptions as are subject to the Regulations of the Bombay Government, and are detailed in this Regulation, which shall have effect within the territories subordinate to the Presidency of Bombay from the date of its promulgation.

Rescission of former enactments.

II.—Section XXI of Regulation IV A. D. 1816, and Regulation VII A. D. 1814 with the exception of Section IX, and Regulation I A. D. 1819, are hereby rescinded.

GENERAL PRINCIPLES OF MILITARY LAW, AND RULES UNDER WHICH CIVIL AUTHORITIES ARE TO AID THE OPERATION OF COURTS MARTIAL FOR TRIAL OF OFFENCES AGAINST MILITARY DISCIPLINE.

Persons not British-born subjects amenable to military law in matters of debt and criminal offences:

III. *First.*—The following descriptions of persons, if not British-born subjects, are hereby declared amenable to the jurisdiction of the Courts described in Sections VII and IX as having cognizance of debts and criminal offences:

Officers:

1*st.*—Officers bearing commissions in the military service of the Company:

Soldiers:

2*d.*—Persons enlisted in the military service of the Company, whether non-commissioned officers or privates:

Surveyors, drafts-men medical attend-

3*d.*—Persons serving as military surveyors or drafts-men,

or

or in the medical, commissariat, store, or veterinary departments, and generally, all persons receiving public pay drawn by an officer in charge of a department appertaining to the army:

ants, and all public servants appertaining to the army:

4th.—Suttlers and camp-followers, including all persons residing or following any occupation at a cantonment or military station:

Suttlers and residents in camps:

5th.—The officers and soldiers of any description of troops being mustered and in pay, while under command of any officer having a commission immediately from the Government of any of the Presidencies in India:

Troops of any description under military command:

Second.—The said persons are not thereby rendered free from Civil Jurisdiction, except in cases which may be specifically provided for by Act of Parliament, or Regulation, but it is hereby enacted, that, when a Civil officer shall have occasion to confine an officer or soldier either commissioned or enlisted, he shall as soon as possible forward to the commanding officer of the station a communication, which shall be in the form of an extract from any periodical return or returns which may be usually made by such Civil officer to a superior authority, in order to denote the nature of the charge and its result.

How far such persons are exempted from civil jurisdiction:

Third.—And it is enacted in Sections III and XVII of the 4th Geo. IV Chap. 81 that civil magistrates and military commanding officers shall mutually aid each other in the apprehension of offenders subject to their respective authorities, the former by delivering up such as may have been apprehended by them, and the latter by using their utmost endeavour to assist the magistrate's process against officers or soldiers.

Civil and military authorities to give mutual aid.

IV. Native courts-martial assembled for the purpose of

Courts-martial for trying

offences against military discipline how to conduct their proceedings.

of trying offences against military discipline will be guided by the rules in the military code, or such articles and orders as may be in force respecting the army; and to aid their proceedings certain rules are enacted in the two following Sections similar to those contained in Act 4th Geo. IV Chapter 81.

How Courts-martial are to procure the attendance and evidence of witnesses.

V. *First.*—Courts-martial shall have authority to summon and examine witnesses on oath or solemn declaration, and any person not subject to military law being duly summoned and failing to attend shall, on complaint made by the Judge Advocate or other person officiating as such, be apprehended by the magistrate of the jurisdiction in which he resides, and punished as if he had neglected to attend on a summons issued by the magistrate; and further, if the evidence of a person not subject to military law be required at a Court-martial, it shall be optional with the Court, through the medium of the officer whose duty it may be to conduct official communications, to make application to that effect either to the magistrate or to the Civil Court, and the authority applied to shall procure the attendance of the witness before the Court-martial by such means and under such rules as may be in force for procuring the attendance of witnesses before such authority:

Perjury or other misconduct in witnesses how to be punished:

Second.—A witness summoned by virtue of the preceding clause shall be liable to the same penalties for speaking falsely on oath or otherwise, as the case may be, or for other misconduct, as is the practice in Courts of Criminal Judicature, which penalties however are to be adjudged and enforced by the civil authority:

witnesses to be exempt from arrest:

Third.—Witnesses shall be exempted from arrest in any civil

civil proceeding while in attendance on a Court Martial, and during the time necessary for going and returning; wherefore, if any person should be so unduly arrested, he shall, on satisfactory proof made in a summary manner before the Court under whose authority he is held in custody, be forthwith discharged.

sentences made by a Court martial may in certain cases be executed through the medium of the civil authority:

VI. *First.*—A prisoner sentenced by a Court Martial to imprisonment, or solitary confinement, or hard labour, may be forwarded to the Criminal Judge of the district by the commanding officer of the district, with an authenticated copy of the sentence, which the Criminal Judge shall execute according to its tenor.

returns to be made in such cases.

Second.—Periodical returns of such prisoners shall be made by the Criminal Judge to the Sudder Foujdary Adawlut at the same time, and so nearly as the matter will admit, in the same form as prescribed for other convicts, and, when the sentence has been executed, the authenticated copy of it shall be endorsed, as usual in warrants issued by a Court of Circuit, and returned to the Commanding Officer.

OF THE MILITARY COURT OF REQUESTS FOR DECIDING CIVIL ACTIONS FOR DEBT, AND OF THE JURISDICTION TO BE EXERCISED BY COURTS MARTIAL IN CRIMINAL OFFENCES.

A military Court of Requests may try certain actions for debt:

VII. *First.*—Wherever any of the Company's Forces may be employed within the territories subordinate to Bombay, and beyond the jurisdiction of the Court of Requests established at the Presidency, actions for debt and all personal actions not exceeding four hundred (400) Sicca rupees in amount against a person of any of the descriptions stated in Section III Clause 1st of this Regulation, shall be cognizable before a Court of Requests composed of military officers and not elsewhere, provided that

that such person was also of the said description when the cause of action arose.

how convened and composed :

Second.—The commanding officer of any station or cantonment is authorized to convene such Courts, which shall be composed (according to the orders of the Commander in Chief or Commanding Officer of the Forces for the time being, or, in the absence of such orders, according to the discretion of the convening officer) either of not less than three European commissioned officers, or of not less than three native commissioned officers with an European commissioned officer to superintend and record the proceedings.

its forms of procedure ;

Third.—Each member of the Court shall take an oath according to his religious tenets to do impartial justice: the forms, proceedings and records shall be as usual in Courts-martial, and the attendance and evidence of witnesses not subject to military law shall be procured under the rules contained in Section V of this Regulation.

how the decisions are to be executed :

VIII. *First.*—It shall be competent to the Court, on finding any debt or damage due, to award execution of the decision, either generally, or by directing that the whole or any part of the amount be stopped and paid over to the creditor, out of any pay or public money, which may be coming to the debtor in the current or any future month:

by seizure and sale of effects that are,

Second.—And, if the execution be awarded generally, the amount, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer grounded on the judgment of the Court:

Third.—And if sufficient goods be not so found, then any which may subsequently be found within the said limits shall be liable to be seized and sold as above said in satisfaction of the remainder of the debt or damage; or any public money, or sum, not exceeding the half-pay accruing to the debtor, shall be stopped in liquidation of the said debt or damage; and, if such debtor shall not receive pay as an officer or soldier or from any public department, he shall be arrested by written order of the commanding officer and imprisoned in some convenient place within the said limits for a period of two months, unless the amount be sooner paid.

or s bse-quently may be in camp,

by stop-pages,

or by impri-sonment.

IX. *First.*—All persons of the descriptions stated in clause 1st of Section III of this Regulation are hereby declared liable to be tried by a Native General Court-martial assembled and conducted according to the rules prescribed for such tribunals, if accused of having committed wilful murder, robbery, or other serious offence against person or property, provided that the place, where such Court-martial is assembled, be distant 120 miles from the Presidency, and provided also that the place, where the offence is alleged to have been committed, be 120 miles distant from the Presidency, and not more than one mile from the station at which the Court martial sits:

Certain offences committed beyond 120 miles from the presidency to be triable by court martial:

Second.—And if the place, where the offence is alleged to have been committed, or where on investigation it shall be found to have been committed, be 120 miles distant from the Presidency, and more than one mile from the station where the Court martial sits, then the case shall belong to either the Court-martial or the ordinary authorities of criminal judicature, according as either may have first taken cognizance:

in certain cases triable equally by the ordinary criminal courts:

Third.—And further, if the offence have been committed beyond any of the British territories, it may be tried by a Court-martial in the same way as the offences to which clause 1st of this Section relates.

but if committed in foreign territory by court martial only:

X.

what punishments may be awarded:

X. *First.*—A person found guilty of an offence by a Court-martial, as stated in the preceding Section, shall be liable to death, or transportation for life or for a term of years, or to such other punishment, according to the nature and degree of the respective offence, as the Court-martial may adjudge, but it is hereby provided, that the Commander in Chief shall have power to commute sentences of death into transportation for life or for a term of years, and also (with the consent of the party affected thereby but not otherwise) to commute a sentence of transportation into one of temporary imprisonment, or of any other nature milder than that originally passed:

sentences of death or transportation to be confirmed by the commander in chief:

Second.—And further, if the offence have been committed within the Company's territories, no sentence of death or transportation passed by a Court-martial by virtue of Section IX of this Regulation shall be carried into execution until confirmed by the General or other officer commanding at the Presidency with the concurrence of the Governor in Council, and, if a sentence of death be commuted according to the preceding clause of the present Section to transportation, the confirmation by the Governor in Council shall be required for execution of the punishment adjudged in commutation.

parties entitled to copies of sentences and proceedings:

Third.—And any party tried by a Court-martial on the authority of this Regulation shall be entitled to a copy of the sentence and proceedings, on demand made by himself or any one on his behalf six months after the same, and, if the trial have been held in the Company's possessions beyond the seas or in foreign parts, then twelve months after the sentence.

how sentences of transportation are to be executed:

Fourth.—Execution of a sentence of transportation shall be done through the medium of the Criminal Judge, who will, on a request being made in writing by the Commanding Officer

of

of the station receive charge of the convict and proceed as if the sentence had been passed by a Court of Circuit.

Penalty for embezzling or damaging public stores.

XI. *First.*—Any person of any of the descriptions specified in Section III employed in the care or distribution of military stores, or any sort of public property applied to military purposes, who shall embezzle or fraudulently misapply or damage (or cause or connive at the same) any such stores or public property, may be tried for the same by a general Court-martial:

transportation &c.

Second.—And the Court may sentence such offender to be transported for life, or for a term of years, or to fine or imprisonment, or to dismissal from the Company's service, and incapacity of serving the Company again in any office civil or military, according to the nature and degree of the offence:

the offender is also responsible for the value.

Third.—And the offender shall also make good the loss or damage which the Court-martial may ascertain to have been sustained, which shall be recoverable by the process stated in Section XX of this Regulation.

Penalty of perjury when committed by a person amenable to military law.

XII. Of the descriptions of persons specified in Clause 1st of Section III of this Regulation, a commissioned officer convicted before a general Court-martial of perjury, by giving false testimony on oath or solemn declaration in any matter wherein his evidence may be so required, shall be cashiered, and any other individual guilty of the said offence, shall be punished at the discretion of a general or regimental Court-martial.

A person who has been regularly tried by any court is not liable to a second trial.

XIII. A person who may have been tried for an offence by Court-martial, as stated in Section IX of this Regulation, shall not be tried for the same in any other Court whatsoever, and no person, who has been acquitted or convicted of any offence by the civil magistrate, shall be punished by a Court-martial for the same otherwise than by cashiering.

XIV.

sentences may be executed in certain cases through the medium of the civil authority:

XIV. The rules contained in Section VI of this Regulation, for the confinement by the civil magistrate of prisoners sentenced thereto by a Court-martial for offences against military discipline, are equally applicable to cases, in which similar sentences have been passed for criminal offences.

OF OFFENCES AND CIVIL ACTIONS RELATING TO THE MILITARY DEPARTMENT, BUT COGNIZABLE IN A CIVIL COURT.

penalty of perjury when committed by a person not amenable to military law:

XV. Any person wilfully and knowingly giving false testimony, on oath or solemn declaration, before a Court-martial assembled under any of the provisions of this Regulation, shall be deemed guilty of perjury, and punished by the laws in force for such crime.

penalty for aiding the escape of convicts:

XVI. Any person aiding the escape of a convict confined under sentence of a Court-martial held by virtue of Act 4th George IV Chapter 81, or of this Regulation, shall, on conviction before a magistrate or other higher tribunal, be liable to punishment by fine or imprisonment not exceeding seven years, or both combined.

penalty for aiding desertion:

XVII. Any person who shall persuade an officer or soldier, British or native, in the service of his Majesty or the Company, to desert, or shall wilfully harbour, conceal, or assist such deserter, shall, on conviction before a magistrate or other higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

penalty for making false musters or aiding the same:

XVIII. Any person who shall furnish, or cause to be furnished, a false certificate whereby to excuse a soldier, British or native, for his absence from muster or any other service, on pretence of his being employed on duty, or being sick, in prison, or on furlough, shall be liable to a forfeiture not exceeding

rupees

rupees 400, which shall be recoverable as a debt, on prosecution by the commanding officer of the station in any Court having jurisdiction over the offender in actions for debt, and when recovered shall be disposed of as Government may direct; and further, the offender, if in the military service of the Company, shall be cashiered, and incapacitated from holding any military office in the Company's service.

how enforced:

XIX. Any person receiving in purchase, gift, exchange or otherwise, any dress or arms, grain or forage, or articles of any nature known by such person to have been furnished by Government for the use of the British or native troops, or any department of the army, shall, on conviction before the magistrate or higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

penalty for receiving military equipment or stores:

XX. Any Court having cognizance of actions for debt, to whose jurisdiction a person who has been found guilty of the offence described in Section XI Clause 1st may be subject, shall, on prosecution by the commanding officer of the station, pass a decree against such offender to the amount of any loss or damage ascertained by the Court-martial to have ensued, and the amount (which shall be recoverable by the usual process of law) shall be disposed of as Government may direct.

how the value of embezzled or damaged stores is to be recovered and disposed of:

OF MARKING THE LIMITS OF CANTONMENTS, AND OF THE APPOINTMENT, FUNCTIONS AND AUTHORITY OF THE SUPERINTENDENT OF BAZARS.

XXI. *First.*—At military stations situated within the territories subordinate to the Presidency of Bombay, the limits of cantonments or bazars shall, when directed by the Governor in Council, be marked by the local magistrate and commanding officer in conjunction, subject to approval by the Governor in Council, in which limits private property is not to be included:

limits of military stations how to be ascertained:

Second.

plans thereof to be kept:

Second.—The above mentioned officers shall report the limits, with a plan thereof, to the Governor in Council, and when they have been approved, a plan shall be kept by the magistrate, and another by the commanding officer.

superintendent of Bazars to be appointed:

XXII. *First.*—At every station where limits have been marked, as described in the preceding Section, an officer, to be denominated Superintendent of bazars, shall be appointed by the Governor in Council:

vacancies how to be supplied:

Second.—When by death, or illness, or absence, or any other cause, the Superintendent of Bazars is unable to continue the duties of his office, the commanding officer shall appoint a person to act until the vacancy be supplied by the Governor in Council, to whom the commanding officer shall report the new appointment and its cause immediately.

the superintendent to be subordinate to the commanding officer and to qualify by oath:

XXIII.—The Superintendent of Bazars shall, under the immediate authority of the commanding officer, perform the duties assigned to him in this Regulation, and, previous to entering on the functions of his office, shall take and subscribe, before any person or persons commissioned by Government to administer it, the following Oath: "*I —— appointed Superintendent of bazars at the station of ——, swear that I will impartially discharge the judicial duties of that office, and will neither derive, nor connive at any person under my authority deriving, any profit therefrom, except such as may be officially allowed.*

"*So help me God.*"

the superintendent to have charge of the police establishment:

XXIV.—The Superintendent of bazars shall have charge of such official establishment, for maintaining order and convenience in the limits of the cantonment, and enforcing rules established for that purpose by the commanding officer, subject always to the control of Government, as may be placed at his disposal.

and empowered to take evidence:

XXV. *First.*—The Superintendent shall have authority to take evidence on oath or solemn declaration, when necessary in the course of his duties, and a false statement made before him on such occasions shall be punishable as if it had occured in a Court of Criminal Judicature.

how to procure the evidence of persons within the military limits,

Second.—And if a person (not being a British-born subject) found within the limits of the cantonment refuse to attend or give answer when summoned by the Superintendent to give evidence, he shall be confined until he complies.

and how of those without:

Third.—And, if the evidence of a person without the said limits be required, it shall be procured by application to the Civil Court in the mode described in Section V Clause 1st.

the superintendent may take cognizance of certain offences beyond 120 miles from the presidency,

XXVI. *First.*—If the cantonment be situated at more than 120 miles' distance from the Presidency, the Superintendent shall try and punish the offences specified in this section committed within the limits of the cantonment by any person not being a British-born subject, provided the said offences be not of such a nature, as is described in Section IX of this Regulation to be within the jurisdiction of a Court-martial:

within a certain period of time:

Second.—But he shall not take cognizance of such offences, unless the charge be made within ten (10) days after the offence was committed, nor unless the offender be apprehended within the limits of the cantonment within three (3) months of the offence having been committed.

what offences are thus cognizable:

Third.—In cases of riotous conduct, abusive language, or calumny, using false weights or measures, issuing false or counterfeit coin, or having in possession more than five pieces of such without lawful excuse, and also in cases of breach of such rules as may have been established by the commanding officer for maintenance of order duly promulgated by beat of drum,

drum, and by a translation into the language current in the cantonment, and signed by the Brigade Major or other staff officer of the station, being fixed in some conspicuous part of the bazar; and in cases of misconduct on the part of servants, such as insolence, disobedience, neglect, or quitting service without a month's previous warning, the Superintendent is authorized to adjudge a fine not exceeding fifty (50) Bombay rupees, or corporal chastisement not exceeding twenty four (24) rattans, or to confine the offender for a period not exceeding one month, and if the fine be not paid, the offender is, in lieu thereof, to be confined for a period not exceeding one month.

and how punishable:

the superintendent may take cognizance of other offences within 120 miles from the Presidency:

XXVII. *First.*—And if the cantonment be situated at a less distance than 120 miles from the Presidency, the Superintendent shall have jurisdiction over offences as stated in the preceding Section, and also in cases of assault committed within the limits by any person not being a British-born subject, provided the charge be made within ten (10) days, and the offender apprehended in the limits within three (3) months of the said assault being committed: he shall further have jurisdiction in cases of theft to an amount not exceeding rupees eighty (80) committed by such persons within the limits, provided the offender be apprehended therein within three (3) months from the offence being committed:

what punishment may be inflicted:

Second.—And the Superintendent is authorized to punish the offender in the case of assault by fine not exceeding fifty (50) Bombay rupees, or imprisonment not exceeding one month, the fine, if not paid, to be commuted for the said period of imprisonment, and, in the case of theft, by imprisonment for a period not exceeding one month, or corporal chastisement not exceeding twenty four (24) stripes with a rattan.

how the superintendent is to dispose of offenders

XXVIII. If any person within the limits of the cantonment be charged with an offence which the Superintendent is not authorized

thorized to take cognizance of, or if it be of such a nature as to require greater punishment than he is authorized to inflict, he shall apprehend and deliver him to the authority, either civil or military, which may have jurisdiction in the case.

on whom he is not authorized to pass sentence:

XXIX. *First.*—It is enacted in the Act 53rd Geo. III Chap. 155, Section 105, that "the magistrate of a district shall "have authority, on complaint being made to him by a native "that any British subject has therein committed assault, forcible "entry, or other injury accompanied with force, not being "felony, to take cognizance of the same, and having taken in "writing the substance of the complaint, defence, and evi- "dence, to acquit or convict the party accused:"

complaints made against British-born subjects by Natives how to be proceeded with:

Second.—And it is further thereby enacted, that "in case of "conviction the said magistrate may inflict on the party a fine "not exceeding five hundred (500) rupees, to be levied in case of "non-payment by warrant under the hand of the magistrate "upon any property of the party which may be found in the said "district, and, if no such property be found, then the magistrate "may by warrant under his hand commit the party to confine- "ment in some fit place within the district for a period not "exceeding two months unless the fine be sooner paid; and, if "there be no such fit place, then in the gaol at the Presiden- "cy under the like limitations; and the magistrate may award "the whole or any portion of the fine to the party aggrieved in "compensation for the injury:"

what punishment may be inflicted:

Third.—It is also provided in the said enactment, that "in "case of conviction a copy thereof and of all depositions and "proceedings relating thereto shall forthwith be transmitted by "the magistrate to the Government of the Presidency, and "that the fine, or what may remain, after making compensation "as above said to the party aggrieved, shall be transmitted to "the Clerk of the Crown or other officer whose province it is "to

report to be made to Government,

and fines how to be disposed of:

" to receive fines in His Majesty's Court of Oyer and Terminer " and Gaol Delivery for the respective district:"

convictions may be removed into the Supreme Court,

Fourth.—And it is also provided in the said enactment that " such conviction is removable by writ of *certiorari* into the " said Court of Oyer and Terminer and Gaol Delivery, but that " nothing herein contained shall prevent the magistrate from " committing or holding to bail any British subject charged " with any such offence in the same manner as he might other- " wise have done."

but this shall not prevent an offender's being committed or held to bail:

the preceding rules how applicable to the Superintendent of Bazars:

Fifth.—It is held that the above quoted rules in this Section are applicable to the Superintendent of bazars as magistrate within the limits of the cantonment, he having duly qualified as a justice of the peace, provided that the cantonment be within 120 miles distance from the Presidency, otherwise the offender is to be tried by a Court-martial, as set forth in Section IX of this Regulation.

Superintendent to control traffic in spirituous liquors:

XXX. It shall also be the duty of the Superintendent of bazars to control the manufacture and sale of spirituous liquors, according to the rules prescribed in the eight concluding Sections of this Regulation.

sentences to be confirmed by the commanding officer,

XXXI. *First.*—The Superintendent of bazars shall not execute any sentence until he has submitted his proceedings to the commanding officer, who shall have power to suspend, or mitigate, or remit, or confirm the sentence, expressing his final order by endorsement on the paper containing the same.

and proceedings recorded:

Second.—All trials before the Superintendent shall be recorded in writing as usual on Courts-martial.

return to be made to the commanding officer:

Third.—The Superintendent shall furnish to the commanding officer on the 1st of each month a return of sentences executed

cuted during the preceding month, stating the dates of sentences and names of offenders and nature of offences and the sentences, as in the following Form;

RETURN of punishments and confiscations inflicted by the Superintendent of bazars at —— during the month —— A. D. ——

Date.	Names of Prisoners.	Offences	Sentences.
3d.	Jhan Mahomed.	Stealing copper pots value Rupees 25.	20 Stripes.
7th.	Ibrahim Moosa.	Smuggling a Cask of Mowra.	The mowra confiscated.

1st of —— A. D. ——

(Signed)

Superintendent of bazars;

Which return the commanding officer shall forward to the Commander in chief on the 15th of the month in which received.

and forwarded to the Commander in chief;

XXXII. All fines imposed and levied by the Superintendent of bazars otherwise than by virtue of Section XXIX are to be applied as directed by orders from the Governor in Council.

fines how disposed of.

PROCESS BY CIVIL AUTHORITY HOW TO BE CONDUCTED WITHIN THE LIMITS OF CANTONMENTS.

XXXIII. When a civil officer shall have occasion to communicate officially with the Superintendent of bazars, he shall transmit his communication under cover to the commanding officer, who shall forward any answer that may be required.

How communications are to be forwarded by civil officers to the superintendent,

XXXIV. *First.*—When any process of attachment or sale of property, or arrest of person for debt, to take effect within the military limits, is issued by any Court of justice, except the Supreme

and how attachments are to be executed within the military limits;

preme Court at the Presidency, the process shall first be carried to the commanding officer, or senior officer within the limits, who shall immediately back the same with his signature, and give his utmost assistance to the officer in executing the process according to its tenor:

but the above rules are not to apply to citations or arrest for offences,

Second.—But nothing herein contained shall be construed to prevent the service by the officer of the court in the usual way of any process of mere citation, nor of process of arrest for offences cognizable by the said Court:

though intimation will be given to the Superintendent.

Third.—But if a person is arrested under the last preceding clause, the officer of the court shall immediately report the circumstance and produce the warrant to the Superintendent of bazars, for the information of the commanding officer.

RULES FOR PUNISHMENT OF OFFENCES COMMITTED BY CAMP FOLLOWERS DURING A MARCH.

Camp followers on a march within 120 miles from the presidency,

XXXV. *First.*—Natives not enlisted, but accompanying a military corps during its march, shall be amenable, as subsequently set forth, for acts committed during the march at any place beyond the Presidency but within 120 miles' distance.

amenable for certain offences to a court-martial:

Second.—In cases of fraud committed towards any person belonging to the detachment, whether enlisted or not, and in cases of theft, or affray, or riotous conduct, whoever may be the sufferer, or misconduct on the part of servants, the commanding officer is empowered to seize, and cause to be tried before a court composed of not less than two European commissioned officers, the offender or offenders:

what punishment may be inflicted:

Third.—The said Court may award punishment not exceeding thirty (30) stripes with a rattan, or a week's confinement, which however shall not be executed until the proceedings recorded,

as is usual on Courts-martial, shall have been laid before the commanding officer, to whom it shall be competent to mitigate, confirm or annul the sentence passed.

how the above offence may be punished if a court cannot be convened.

XXXVI. If there be not a sufficient number of European officers present with the detachment to form a Court, as prescribed in the preceding Section, the commanding officer, provided he be not of lower rank than Ensign, is empowered to investigate such matters as therein stated, and inflict punishment not exceeding fifteen (15) stripes with a rattan, or forty eight hours' imprisonment, and he shall record the nature of the charge, and the proof and sentence in the English language, to be deposited with the regimental records.

and how they may be punished at a greater distance than 120 miles from the presidency:

XXXVII. And if the distance be greater than 120 miles from the Presidency, the commanding officer, if he be not of lower rank than Ensign, shall exercise the authority described in the last preceding Section, provided the offence be not of a nature amenable to Court-martial by virtue of Section IX of this Regulation.

evidence on oath or solemn declaration may be taken in the preceding cases:

XXXVIII. The Court mentioned in Clause 2d of Section XXXV, and the commanding officer, when acting by virtue of Section XXXVI or Section XXXVII, shall be competent to take evidence on oath or solemn declaration, and perjury committed before them shall be punished by the civil magistrate, as if it had been committed in a court of criminal judicature.

camp followers charged with offences within 120 miles from the presidency not before provided for to be given over to the civil magistrate.

XXXIX. *First.*—If the camp followers be charged before the commanding officer with offences committed within 120 miles distance from the Presidency, which require greater punishment than, or of a different nature from that authorized to be inflicted in Sections XXXV and XXXVI of this Regulation, they are to be delivered over to the civil magistrate:

Second.

before whom persons not belonging to the detachment may prosecute complaints.

Second.—And the authority conferred by the said sections is not to supersede that of the civil magistrate in any case where a person not belonging to the detachment is a complainant, unless the said complainant shall already have applied for redress to the commanding officer, and proceedings shall have commenced thereon, otherwise the civil magistrate shall proceed according to the rules of the general code in all matters laid before him.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to be given to the magistrates through whose jurisdictions troops may pass:

XL. When military bodies, exceeding in number two hundred (200) of infantry or one hundred (100) of cavalry, shall have occasion to march through British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each magistrate through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

what aid the magistrate shall furnish,

XLI. *First.*—If it be required, the local magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghauts, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

and how it shall be paid for:

Second.—Provisions and conveyance supplied as above-mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides, and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate

cate which the commanding officer is to grant denoting the services performed, and the Collector is to insert the amount so disbursed at the foot of his treasury account in explanation of his treasury balance as prescribed for similar cases.

on emergent occasions aid may be procured by impressment:

XLII. *First.*—When emergent occasions require the immediate march of troops, and more extensive aid towards it, than is allowed by the preceding section, is necessary, the local magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue:

what is to be considered as constituting such emergency

Second.—The magistrate's authority for acting as in the preceding clause shall be either an order from the Governor in Council, or a letter from the commanding officer declaring his inability to proceed without the magistrate's aid, and fully explaining the circumstances, which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the magistrate will act at discretion.

and how remuneration is to be made:

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the magistrate on a liberal scale, and paid according to the principles of Clause Second Section XLI of this Regulation; viz. individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above quoted rules.

the magistrate to report when he resorts to impressment.

Fourth.—Whenever impressment shall take place by virtue of this section the magistrate shall within ten (10) days report the fact, with the cause and extent of impressment, and the rates of remuneration allowed, both to the Governor in Council and the Court of Suddur Foujdary Adawlut.

How persons sustaining injury by the march or encampment are to seek redress,

XLIII. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

and within what time:

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten days from its date, entitle the sufferer to compensation for loss occasioned by such movements or position of the troops as are *bonâ fide* of a military nature.

Third.—On a demand being made by virtue of this section to the Collector he shall inquire into its merits, and if satisfied that it is just shall apply to Government for permission to pay it; if the Collector think the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law, by instituting a suit against the Collector.

in failure whereof they may resort to law.

OF REQUISITIONS FOR MILITARY AID BY CIVIL AUTHORITIES.

Military aid how to be procured at the presidency:

XLIV.—Whenever Civil Officers may require guards or military aid at the Presidency, they are to apply to the Governor in Council through the channel prescribed for public correspondence.

permanent guards how to be procured at outstations.

XLV. Permanent guards for protection of jails or treasuries, or official purposes in general at outstations, shall be furnished according to instructions issued by the Governor in Council, to whom the Civil Officer requiring them will apply in the first instance: in the interim of such application, if delay should appear likely to occasion injury to the public service, the Civil Officer will apply for a temporary guard according to the rules of the succeeding section.

XLVI. *First.*—When temporary guards or escorts are required at outstations, the civil officer making the requisition is to state fully and circumstantially to the commanding officer at the station the nature of the service to be performed, and the commanding officer will furnish such force as he may think requisite for the purpose.

temporary aid how to be procured at outstations:

Second.—If the commanding officer to whom a requisition is made shall perceive any substantial objection to a compliance therewith, he shall be at liberty to suspend the same, and refer the case to the Commander in Chief, who, if he does not think it proper to order compliance with the requisition, shall lay the matter before the Governor in Council for decision.

how the Commanding Officer is to act when perceiving substantial objections to a requisition:

XLVII. Civil officers employing military guards or escorts either permanent or temporary shall on the first day of each month transmit to government a statement of such as may have been employed during the preceding month.

Civil Officers to report to Government all military guards employed.

RULES RELATING TO THE SALE OF SPIRITUOUS LIQUORS AT MILITARY STATIONS AND DURING A MARCH.

XLVIII. *First.*—The manufacture of spirituous liquors within the limits of cantonments is hereby prohibited, and, in addition to the restrictions on sale of the same which are enacted in the general code, it shall be necessary for venders within the said limits to procure a licence from the Superintendent of bazars, for which however no charge is to be made.

Manufacture of spirits within military limits prohibited,

and venders to be licensed by the Superintendent:

Second.—The rules in the preceding clause shall also have effect in any additional space surrounding the limits of a cantonment which the Governor in Council may determine, provided the additional limits be marked and plans kept as described in Section XXI of this Regulation.

the limits may be extended to a certain additional space in so far as regards manufacture and sale of spirits:

Third.

illicit manufacture of spirits how to be punished :

Third.—And if any manufacture of spirits be attempted within the limits of a cantonment, or the said additional space, the Superintendent shall give information thereof to the Collector, who will proceed according to the rules in force regarding illicit manufacture.

illicit sale of spirits how to be punished :

XLIX. *First.*—The Superintendent of bazars shall have authority to punish natives vending without his licence spirituous liquors within the military limits, and any additional limits around them, which may have been fixed in the manner specified in the preceding section, for the first offence, by fine not exceeding fifty (50) Bombay rupees, to be enforced by imprisonment not exceeding one month, unless the fine be sooner paid, and for each subsequent offence, either by corporal punishment not exceeding twenty four (24) stripes with a rattan, or fine not exceeding one hundred (100) Bombay rupees, to be enforced by imprisonment not exceeding two months, unless the fine is sooner paid, such fine when realized to be in all cases disposed of as the Governor in Council may direct.

punishment for selling spirits without permission to Europeans of a certain description or for their use :

Second.—He shall also be authorized to punish as in the preceding clause natives selling spirituous liquors to an European non-commissioned officer, soldier, or woman belonging to the detachment, or to any one for their use within the said limits, without having first obtained the commanding officer's permission in writing.

smuggling how to be punished :

Third.—He shall also be authorized to punish as above stated natives smuggling spirituous liquors within the said limits, provided they are apprehended therein.

smuggled liquor how to be disposed of :

Fourth.—He shall also be authorized to confiscate spirituous liquors smuggled within the said limits, and, if there be a contractor for sale of liquor at the station, the confiscated liquor shall be given to him, otherwise it shall be destroyed.

Fifth,

Fifth.—The above punishments and confiscations shall be subject to the rules regarding confirmation by the commanding officer which are prescribed in Section XXXI Clause 1st of this Regulation, and shall be included in the return specified in the 3d clause of the said section.

proceedings in the above cases how to be recorded and confirmed.

L. Military contractors shall not establish shops for sale of spirituous liquors at a station where is less than half a regiment.

Liquor contractors allowed only where the force amounts to half a regiment.

LI. Any native selling spirituous liquors beyond military limits to the persons specified in Clause second of Section XLIX without written permission from the commanding officer, shall be fined by the local magistrate fifty (50) rupees for the first offence, and one hundred (100) for each subsequent offence, notice of which penalty shall be annexed to each licence granted by the Collector.

Sale of liquors to Europeans of a certain description for their use to be punished beyond the military limits, and notice of the same to be annexed to licences.

LII. *First.*—All foreign spirituous liquors introduced into a collectorship on the way to a military station the limits of which have been marked according to Section XXI of this Regulation, shall pay the same import duty, as if they had been introduced for any other purpose, unless accompanied by a certificate, stating that they are for the use of individuals, and are not to be resold.

In what cases individuals may import liquors for private use free from duty:

Second.—The above certificate shall be furnished by the person for whose use the liquor is imported, or by some other person on his behalf:

certificate for the above purpose by whom to be made:

Third.—The Collector shall have authority to detain the spirits, until he is satisfied that the certificate is not forged nor for fraudulent purposes, on proof of either of which facts the liquor shall be confiscated and sold, a reward of one half the proceeds therefrom being assigned to any person, or divided at the discretion of the Collector among any persons, through whose exertion or information the fraud was detected.

the liquor may be detained if the certificate appears suspicious:

informers how to be rewarded.

LIII.

Liquor venders how to be licensed during a march from a station where is a superintendent of bazars,

LIII. *First.*—Troops marching from a military station where there is a Superintendent of bazars may be accompanied during the march by such liquor venders as are authorized by licence from the Superintendent of bazars.

and how amenable for misconduct:

Second.—And such liquor venders shall be subject to the punishment provided in the four first Clauses of Section XLIX of this Regulation for offences within the limits of the camp, the proceedings and decisions to be made by the commanding officer instead of the Superintendent, but for acts beyond those limits they shall be subject to the general rules of the code.

how licensed and amenable on a march from a station where there is no superintendent of bazars:

Third.—Troops marching from stations, where a Superintendent of bazars has not been appointed, may be accompanied during their march by liquor venders authorized by the commanding officer, and they shall be liable to punishment by him for offences in the way specified in Clause second of this Section.

licences in certain cases to stipulate an obligation to accompany troops during a march:

Fourth.—The obligation so to accompany troops when required shall form part of the stipulations under which the Collector is to grant licences at the stations, where there is not a Superintendent of bazars.

the commanding officer's consent requisite to licences where there is no Superintendent of bazars:

LIV. *First.*—At military stations where there is no Superintendent of bazars, the Collector shall not grant a licence for the sale of spirituous liquors to any person without the commanding officer's consent.

the Commanding Officer to aid the Collector's process respecting sale and manufacture of liquors:

Second.—At all stations it shall be the duty of the commanding officer to use every possible care to prevent the troops or followers from obstructing the Collector's process, according to the general regulations respecting the vend and manufacture of spirituous liquors.

and the collector, if pos-

Third.—The Collector shall however, when it can be done

without

without inconvenience to the public service, execute process within military limits by application to commanding officers, and shall uniformly acquaint them with the result of a search.

sible, to execute such process by application to the commanding officer.

LV. If a Collector shall refuse to suppress any shop or still in the vicinity of a military station on the commanding officer requesting it, the case shall be referred by the latter to the Governor in Council, who will issue such orders as may deem proper.

How liquor shops or stills near military stations may be suppressed.

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